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BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

Tuesday, July 8, 2008 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi, Daly, Chu	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Commissioners Kim, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Ammiano, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty, Ammiano	1st and 3rd Thursday 10:00 AM

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First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll Supervisors Ammiano, Alioto-Pier and McGoldrick were noted absent.

There was a quorum present.
Supervisors Alioto-Pier and McGoldrick were noted present at 2:04 p.m.

Supervisor Ammiano was excused from attending today's meeting.

Supervisor Ammiano Excused From Attendance

Supervisor Dufty, seconded by Supervisor Maxwell, moved to excuse Supervisor Ammiano from attending today's meeting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Maxwell, moved to approve the Board Meeting Minutes of May 20, 2008 and June 3, 2008. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

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080662 **[Fees for Processing a Redemption of Tax Defaulted Property or a Secured Property Tax Second Installment Delinquency Notice]**
Mayor, Supervisor McGoldrick

Ordinance amending the San Francisco Administrative Code by amending Section 8.34.1, to authorize the Tax Collector to charge a fee of $55.00 to cover the cost of processing a redemption of property that is in default due to the failure to pay property tax and a fee of $45.00 to cover the cost of processing a delinquency notice on the second installment of each separate valuation on the secured property tax roll, and to provide for an automatic adjustment of the fees for inflation.

FINALLY PASSED

Recommendations of the Government Audit and Oversight Committee

080277 **[Administrative Code Chapter 6 - technical amendments and amendments to contracting procedures]**
Supervisor Chu

Ordinance amending San Francisco Administrative Code Chapter 6 to correct typographical errors in Subsections 6.22(B) and 6.22(H)(2)(d), to clarify and revise Subsection 6.22(J) concerning retention of progressive payments, to clarify and revise Subsection 6.23(C) concerning the rejection or failure of bids, to revise Section 6.61 concerning design-build contracting procedures, and to add a new Section 6.28 authorizing the use of integrated project delivery.

FINALLY PASSED

080697 **[Unrepresented Employees]**
Mayor

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in job codes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2008.

FINALLY PASSED

Recommendation of the Rules Committee

080613 **[Local Business Enterprise and Non-Discrimination in Contracting Ordinance shall terminate 120 days after the injunction in Coral v. Construction, Inc. (S.F. Sup. Ct. No. 421249) is lifted or stayed]**
Mayor, Supervisor Alioto-Pier

Ordinance amending the Administrative Code 14B.18 to suspend enforcement of 14.B and reinstate Chapter 12D.A. 120 days after the injunction in Coral Construction, Inc. v. City and County of San Francisco (S.F. Sup. Ct. No. 421249) is lifted or stayed.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Rules Committee

080614 **[Extending the Expiration date of the MBE/WBE/LBE Ordinance]**
Mayor, Supervisor Alioto-Pier

Ordinance extending the expiration date of Chapter 12D.A, the City's Minority/Women/Local Business Utilization program until one year after the injunction in Coral Construction, Inc. v. City and County of San Francisco (S.F. Sup. Ct. No. 421249) is lifted or stayed.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

080643 **[City Elections In Even-Numbered Years]**
Supervisor McGoldrick

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Sections 2.101 and 13.101 and Article XVII to change the election cycle for the offices of Mayor, Sheriff, District Attorney, City Attorney and Treasurer so that these offices will be elected in even-numbered years; and to amend the definition of general municipal election so that such elections occur only in even-numbered years.

NOT ORDERED SUBMITTED by the following vote:
Ayes: 4 - Daly, Dufty, Maxwell, McGoldrick
Noes: 6 - Alioto-Pier, Chu, Elsbernd, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

Supervisor McGoldrick, seconded by Supervisor Dufty, moved to rescind the previous vote.
Motion to rescind the previous vote passed without objection.

Continued to July 15, 2008
Supervisor McGoldrick, seconded by Supervisor Daly, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

From the Rules Committee Without Recommendation

080619 **[Providing for appointment rather than election of the City Treasurer]**
Supervisor McGoldrick

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by adding Section 3.106, amending Sections 6.100, 13.101, 13.101.5, 13.102, and 14.103, and repealing Section 6.106, to provide for appointment rather than election of the City Treasurer, and set qualifications for the office of Treasurer.

Continued to July 15, 2008

Supervisor McGoldrick, seconded by Supervisor Maxwell, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

080620 **[Creating a Public Works Commission, setting its powers and duties; authorizing the Mayor to appoint the Director of Public Works]**
Supervisor McGoldrick

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by adding a new Section 4.121.5 and amending Sections 3.104, 4.130 and D3.750-4, to create a Public Works Commission and establish its powers and duties, and authorize the Mayor to appoint the Director of Public Works.

Continued to July 15, 2008

Supervisor McGoldrick, seconded by Supervisor Maxwell, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

NEW BUSINESS

Recommendations of the Budget and Finance Committee

080718 **[Approval of FY08-09 Expenditure Plan for the Human Services Care Fund]**
Resolution approving the FY08-09 Expenditure Plan for the Human Services Care Fund. (Human Services Department)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

080764 **[Ratification of increases to prior professional service contracts for health and behavioral health services]**
Resolution approving amendment to Resolution No. 702-06, which ratified prior professional service contracts for the San Francisco Department of Public Health for health and behavioral health services and approved three year extensions, to increase the amounts of five of those contracts. (Public Health Department)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

080768 **[Proposition J Contract/Certification of Specified Contracted-Out Services Previously Approved]**
Mayor

Resolution concurring with the Controller's certification that services previously approved can be performed by private contractor for a lower cost than similar work performed by City and County employees, for the following services: convention facilities management, central shops security, janitorial and security services (Administrative Services); body removal services (Medical Examiner); budget analyst (Board of Supervisors); security services (Public Works); community services (District Attorney); absentee voter ballot distribution (Department of Elections); security services (Human Services Agency); shelter and intake for status offenders (Juvenile Probation); Project S.A.F.E. (Police); jail food services (Sheriff); and mainframe system support (Telecommunications and Information Services).

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

080736 **[Planning Code- Modifying the fee refund provisions for inclusionary housing projects]**
Mayor

Ordinance amending Planning Code Section 315.4 to limit refunds for environmental review, conditional use applications and fees covered in Planning Code Section 352 to only that portion of the housing project which is affordable and to clarify that the refund provision is only available to projects that filed on or after June 18, 2001; and making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

080828 **[Public Education Enrichment Fund - First Five Commission]**
Supervisor McGoldrick

Resolution approving the San Francisco First Five Commission expenditure plan for the Public Education Enrichment Fund for Fiscal Year 2008-09.

Continued to July 22, 2008

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Resolution be CONTINUED. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

080719 **[Building Code - fee adjustment]**
Ordinance amending the Building Code to amend various sections and fee schedule tables to adjust fees or permits, inspections, and other actions. (Building Inspection Department)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

080653 **[Accept-Expend Ryan White HIV/AIDS Treatment Modernization Act Grant - $4,758,228]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a one-time funding award of Ryan White Part A (RWPA) funds for the San Francisco Eligible Metropolitan Area (SF EMA) in the amount of $4,758,228 from the Health Resources and Services Administration (HRSA) to support HIV Health Services; for the period of July 1, 2007 through February 29, 2008.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

080674 **[IHSS Contract Approval - $51,433,291]**

Resolution to amend Resolution # 644-05 approved on August 18, 2005 approving the contract between the City and County of San Francisco and the IHSS Consortium of San Francisco for the provision of In-Home Supportive Services for the period from July 1, 2005 to June 30, 2008, in the amount of $51,433,291. (Human Services Department)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

080734 **[Proposition J Contract/Janitorial Services for 875 Stevenson Street]**
Mayor

Resolution concurring with the Controller's certification that the janitorial services at 875 Stevenson Street can be performed by private contractor for a lower cost than similar work performed by City and County employees.

(Supervisors Daly and Mirkarimi dissented in committee.)

Continued to July 15, 2008

Supervisor McGoldrick, seconded by Supervisor Dufty, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Excused: 1 - Ammiano

080762 **[Proposition J Contract/Security Services for San Francisco General Hospital, Laguna Honda Hospital and Various Clinics]**
Mayor

Resolution concurring with the Controller's certification that security services for San Francisco General Hospital, Laguna Honda Hospital and various clinics can be performed by private contractor for a lower cost than similar work performed by City and County employees.

(Supervisors Daly and Mirkarimi dissented in committee.)

Contiuned to July 15, 2008

Supervisor McGoldrick, seconded by Supervisor Dufty, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Excused: 1 - Ammiano

080829 **[Public Education Enrichment Fund - Unified School District Fiscal Year 2008-2009]**
Supervisor McGoldrick

Resolution approving the San Francisco Unified School District expenditure plan for the Public Education Enrichment Fund for Fiscal Year 2008-2009.

Continued to July 22, 2008

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

080522 **[Authorizing the Office of the Clerk of the Board of Supervisors to provide clerical, administrative, and logistical assistance to the San Francisco Local Agency Formation Commission]**
Supervisor Mirkarimi

Motion authorizing the Office of the Clerk of the Board of Supervisors, consistent with past practice, to provide clerical, administrative, and logistical assistance to the San Francisco Local Agency Formation Commission for the purpose of instituting its Advice and Monitoring Project with respect to CCA Program Implementation as requested by the San Francisco Board of Supervisors and for the Clerk of the Board of Supervisors to seek reimbursement from San Francisco Local Agency Formation Commission.

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

080728 **[Redevelopment Agency Budget 2008-2009]**
Mayor

Resolution approving the Budget of the Redevelopment Agency of the City and County of San Francisco for fiscal year 2008-2009.

(Fiscal Impact.)

Continued to July 22, 2008

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

080730 **[Treasure Island Development Authority Budget 2008-2009]**
Mayor

Resolution approving the Budget of the Treasure Island Development Authority for fiscal year 2008-2009.

(Fiscal Impact.)

Continued to July 22, 2008

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

Recommendation of the Land Use and Economic Development Committee

080660 **[Zoning - Urgency Ordinance Extending An Interim Zoning Moratorium On Enterprises That Sell Tobacco Paraphernalia]**
Supervisor Sandoval

Urgency Ordinance extending an interim zoning moratorium for six (6) months, to temporarily prohibit the establishment of new enterprises, subject to specified exceptions, that sell Tobacco Paraphernalia, as defined, in all Commercial, Mixed Use and Industrial districts, and making findings, including findings of consistency with the Priority Policies of Planning Code Section 101.1 and environmental findings.

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

Recommendations of the Rules Committee

080782 **[Appointment, Commission of Animal Control and Welfare - Laurie Kennedy-Routhie]**

Motion appointing Laurie Kennedy-Routhie, term ending April 30, 2010 to the Commission of Animal Control and Welfare.

Laurie Kennedy-Routhie succeeding herself, term expired, seat 1, must be a member representing the general public having interest and experience in animal matters, for a two-year term ending April 30, 2010.

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

080852 **[Appointment, Police Commission - David Onek]**

Motion confirming the Mayor's nomination of, and appointing, David Onek to the San Francisco Police Commission for the unexpired portion of a four-year term ending April 30, 2012. (Mayor)

(Section 4.109 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - June 12, 2008.)

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

080638 **[Creating an Independent Ratepayer Advocate to review and recommend utility service rates proposed by the San Francisco Public Utilities Commission]**

Supervisors Alioto-Pier, Ammiano, Dufty

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by adding Section 8B.128, to create an Office of the Independent Ratepayer Advocate to evaluate, analyze, provide comments and make recommendations on the efficiency, equity, and fiscal feasibility, from the ratepayers' perspective, of utility rate proposals prepared by the San Francisco Public Utilities Commission under Charter section 8B.125; to require the City Administrator to appoint an Independent Ratepayer Advocate;and prescribing the duties and responsibilities of the Office of the Independent Ratepayer Advocate.

(Supervisor Daly dissented in committee.)

Continued to July 15, 2008

Supervisor Elsbernd, seconded by Supervisor Dufty, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

080641 **[Pier 70 plan and lease approvals; General Fund financing for Pier 70 waterfront improvements; transfer of funds according to agreements between the Port Commission and other departments; priorities for use of Port funds]**

Supervisors Maxwell, Alioto-Pier, Ammiano, Dufty

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by adding Sections B7.310 and B7.320, and amending Section B6.406, to: authorize the Board of Supervisors to approve a Pier 70 financial and land use plan; authorize a mechanism for the City to appropriate General Fund revenues in an amount up to 75% of the projected hotel and payroll taxes attributable to new development at Pier 70 to finance waterfront improvements; waive Board approval of leases consistent with the approved Pier 70 plan; require the City to appropriate funds for certain Board-approved agreements between City departments and the Port Commission; and, updating the priorities for use of Port revenues.

Continued to July 15, 2008

Supervisor Elsbernd, seconded by Supervisor Dufty, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

080642 **[Number of signatures required to qualify a recall petition]**

Supervisor McGoldrick

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Section 14.103, to adopt State law regarding the number of signatures required to qualify a recall petition for local officers.

Continued to July 15, 2008

Supervisor Elsbernd, seconded by Supervisor Dufty, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

080645 **[Prohibition on City employees serving as members of Charter boards and commissions]**

Supervisor McGoldrick

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section 4.101, to prohibit City employees from serving as members of boards and commissions created in the Charter.

Continued to July 15, 2008

Supervisor Elsbernd, seconded by Supervisor Dufty, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

From the Rules Committee Without Recommendation

080851 [Appointment of the City Treasurer; City Elections in Even-numbered Years]
Supervisor McGoldrick

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by (1) adding Section 3.106, amending Sections 6.100, 13.101, 13.101.5, 13.102, and 14.103, and repealing Section 6.106, to provide for appointment rather than election of the City Treasurer, set qualifications for the Office of Treasurer, and setting an operative date; and, (2) amending Sections 2.101, 13.101 and Article XVII to: change the election cycle for the offices of Mayor, Sheriff, District Attorney, and City Attorney so that these offices will be elected in even-numbered years; amend the definition of general municipal election so that such elections occur only in even-numbered years; and, clarify the operation of term limits for members of the Board of Supervisors.

Continued to July 15, 2008

Supervisor Elsbernd, seconded by Supervisor Dufty, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

Recess

The Board recessed at the hour of at 3:10 p.m.

Reconvening of the Board

The Board, at the hour of 3:35 p.m., reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present: Supervisors Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval - 9

Quorum present.

Noted Absent: Supervisor McGoldrick - 1
Supervisor Ammiano was previously excused from today's meeting.

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Chu, seconded by Supervisor Alioto-Pier, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

Supervisor Chu introduced, welcomed and presented a Certificate of Honor to Sergeant Bohanan in recognition of his work in the Ambassador program in the San Francisco Police Department.
Captain Chignell and Past President of the local merchants spoke in recognition of Sergeant Bohanan's efforts.

Supervisor Peskin introduced, welcomed and presented to John Avalos in recognition of his service as a Legislative Aide.

Supervisor Alioto-Pier introduced, welcomed and presented to Mary O'Reardon in recognition of her retirement.
Chief Joanne Hayes White, Chief of the San Francisco Fire Department acknowledged Mary O'Reardon's service and her retirement.

SPECIAL ORDER 4:00 P.M.

080513 **[Hearing - Street Vacation Order of Hunters Point Shipyard]**

Hearing of persons interested in or objecting to proposed ordinance ordering the vacation of portions of Innes Avenue, Galvez Avenue and Donahue Street in Hunters Point Shipyard Parcel "A1"and all of Navy Road in Hunters Point Shipyard Parcel "A2" along with public service easements that may exist in Parcels A1 and A2; making environmental findings and findings of consistency with the City's General Plan, Planning Code Section 101.1, and the Hunters Point Redevelopment Plan; quitclaiming the City's interest in the vacation areas; reserving easement rights for a City combined sewer line and facilities; accepting Department of Public Works Order No. 177,478; and authorizing official acts in connection with this Ordinance.

The President inquired as to whether any member of the public wished to address the Board members.
There were none.
The President declared the public hearing.
FILED.

From the Land Use and Economic Development Committee Without Recommendation

080512 **[Hunters Point Shipyard - Street Vacation Order]**

Ordinance ordering the vacation of portions of Innes Avenue, Galvez Avenue and Donahue Street in Hunters Point Shipyard Parcel "A1"and all of Navy Road in Hunters Point Shipyard Parcel "A2" along with public service easements that may exist in Parcels A1 and A2; making environmental findings and findings of consistency with the City's General Plan, Planning Code Section 101.1, and the Hunters Point Redevelopment Plan; quitclaiming the City's interest in the vacation areas; reserving easement rights for a City combined sewer line and facilities; accepting Department of Public Works Order No. 177,478; and authorizing official acts in connection with this Ordinance. (Public Works Department)

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Excused: 1 - Ammiano

COMMITTEE REPORTS

080566 **[Approving an agreement with Cochran, Inc. to install shoreside power equipment at Piers 27 and 29 of the Port of San Francisco and waiving the contracting requirements of the Administrative Code and Environment Code]**

Supervisors Peskin, Dufty, Alioto-Pier

Ordinance authorizing the Executive Director of the Port to execute an agreement with Cochran, Inc. to install shoreside power equipment at Piers 27 and 29 of the Port of San Francisco for an amount not to exceed $1,700,000 from the City and an additional $1,900,000 to be separately provided by Princess Cruise Lines from the Bay Area Air Management District Carl Moyer Program grant and exempting the agreement from the contracting requirements of the Administrative Code and Environment Code.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

Supervisor Chu Excused From Voting

Supervisor Dufty, seconded by Supervisor Elsbernd, moved moved to excuse Supervisor Chu from voting on File Nos. 080800 and 080801 due to possible conflict of interest. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

080800 **[MOU, Amendment No. 1 - San Francisco Fire Fighters Union, Local 798 (Unit 1)]**

Mayor

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 1) by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

Continued to July 22, 2008

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 2 - Ammiano, Chu

080801 **[MOU, Amendment No. 1 - San Francisco Fire Fighters Union, Local 798 (Unit 2)]**

Mayor

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 2) by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

Continued to July 22, 2008

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 2 - Ammiano, Chu

080802 [MOU, Amendment No. 2 - Service Employees International Union, Local 1021]
Mayor, Supervisor Elsbernd

Ordinance adopting and implementing Amendment #2 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021 by extending the terms of the parties' Agreement through June 30, 2010.

Supervisor Elsbernd requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

080803 [MOU, Amendment No. 1 - Automotive Machinists Union, Local 1414]
Mayor, Supervisor Elsbernd

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Automotive Machinists Union, Local 1414, Machinists Automotive Trades District 190, International Association of Machinists and Aerospace Workers by extending the terms of the parties' Agreement through June 30, 2010.

Supervisor Elsbernd requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

080804 [MOU, Amendment No. 1 - International Federation of Professional and Technical Engineers, Local 21]
Mayor, Supervisor Elsbernd

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the International Federation of Professional and Technical Engineers, Local 21, AFL-CIO by extending the terms of the parties' Agreement through June 30, 2010.

Supervisor Elsbernd requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

080805 [MOU, Amendment No. 1 - Municipal Attorneys' Association]
Mayor, Supervisor Elsbernd

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys' Association by extending the terms of the parties' Agreement through June 30, 2010.

Supervisor Elsbernd requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

080806 [MOU, Amendment No. 1 - Operating Engineers Local Union No. 3]
Mayor, Supervisor Elsbernd

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO by extending the terms of the parties' Agreement through June 30, 2010.

Supervisor Elsbernd requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

080807 [MOU, Amendment No. 1 - United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38]
Mayor, Supervisor Elsbernd

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38 by extending the terms of the parties' Agreement through June 30, 2010.

Supervisor Elsbernd requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

080808 [MOU, Amendment No. 1 - Teamsters, Local 350]
Mayor, Supervisor Elsbernd

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 350 by extending the terms of the parties' Agreement through June 30, 2010.

Supervisor Elsbernd requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

080809 [MOU, Amendment No. 1 - Teamsters, Local 856 (Multi-Unit)]
Mayor, Supervisor Elsbernd

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 856 (Multi-Unit) by extending the terms of the parties' Agreement through June 30, 2010.

Supervisor Elsbernd requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

080810 [MOU, Amendment No. 2 - Union of American Physicians and Dentists (Unit 8CC)]
Mayor, Supervisor Elsbernd

Ordinance adopting and implementing Amendment #2 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 8CC) by extending the terms of the parties' Agreement through June 30, 2010 and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

Supervisor Elsbernd requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

080811 [MOU, Amendment No. 1 - Union of American Physicians and Dentists (Unit 11AA)]
Mayor, Supervisor Elsbernd

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 11AA) by extending the terms of the parties' Agreement through June 30, 2010 and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

Supervisor Elsbernd requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

080812 [MOU, Amendment No. 2 - Municipal Executives' Association]
Mayor, Supervisor Elsbernd

Ordinance adopting and implementing Amendment #2 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association by extending the terms of the parties' Agreement through June 30, 2010 and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

Supervisor Elsbernd requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

080813 [MOU, Municipal Executives' Association - Fire]
Mayor, Supervisor Elsbernd

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Fire, to be effective July 1, 2007 through June 30, 2011.

Supervisor Elsbernd requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

080814 [MOU, Municipal Executives' Association - Police]
Mayor, Supervisor Elsbernd

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Police, to be effective July 1, 2007 through June 30, 2011.

Supervisor Elsbernd requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library
Walter; shared in song certain SF memorabilia
Male speaker; expressed concern with saving the Harding Theatre
Lionel Sanford; expressed concern with the City and County budget process
Dougls Yep; showed interest with issues relating to whistle blowers
Male speaker; expressed concern with issues relating to federal government and terrorism
John di Donna; expressed concern with issues relating to Alcatraz
Francisco da Costa; expressed concern with issues relating to the Redevelopment Agency
John Calderra; request to receive socks for veterans operation single sock
Peter Warfield; expressed concern with issues relating to the SF Public Library
Male speaker; expressed concern with issues relating the SF Police Department
Cecil Mills; expressed concern with issues relating to the environment and the need to use water based fuel
Jose Morales; expressed concern with issues relating to senior housing and evictions
Beverly Upton; expressed appreciation for the funding of domestic violence programs

Supervisors Daly, McGoldrick and Sandoval were noted absent at 3:09 p.m.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

080910 [State grant to support environmental health pest exclusion activities - $47,694.36]
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend a grant in the amount of $47,694.36 from the California Department of Food and Agriculture (CDFA) to support the Light Brown Apple Moth Program; for the period of July 1, 2007 through June 30, 2008.

ADOPTED

080912 [Urging a Federal Employment Non-Discrimination Act that includes gender identity protections]
Supervisors Dufty, Ammiano, Daly, Mirkarimi

Resolution urging a Federal Employment Non-Discrimination Act that includes gender identity protections.

Supervisors Daly and Mirkarimi requested to be added as co-sponsors.
ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 7 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin
Absent: 3 - Daly, McGoldrick, Sandoval
Excused: 1 - Ammiano

Severed From the Without Reference to Committee Agenda

Supervisor Alioto-Pier requested that this matter be severed so that it might be considered separately.

080911 [Grant to support HIV research study - $31,724]
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $31,724 from the Public Health Foundation Enterprises (PHFE), to support a research project entitled "Chemoprophylaxis for HIV Prevention in Men;" for the period of February 1, 2008 through January 31, 2009.

REFERRED to the City Operations and Neighborhood Services Committee.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

080796 **[Amending Ordinance 202-07, authorizing award of contract for CM/GC services for the San Francisco General Hospital Rebuild Program, and making findings under CEQA]**

Ordinance amending Ordinance 202-07 to add Drywall Subcontractor to the list of authorized Core Subcontractors for the San Francisco General Hospital Rebuild Program; authorizing the award of a contract for Construction Manager/General Contractor services for the San Francisco Hospital Rebuild Program; adopting findings under the California environmental Quality Act ("CEQA"), CEQA Guidelines and San Francisco administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations; and finding that the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53. (Public Works Department)

(Fiscal Impact.)

6/2/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

6/24/08, ASSIGNED to Government Audit and Oversight Committee.

6/24/08, SUBSTITUTED. Public Works Department submitted a substitute ordinance bearing new title.

080845 **[Changing the official sidewalk width - Golden Gate Avenue]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1580 to change the official sidewalk width on the southerly side of Golden Gate Avenue between Larkin and Hyde Streets; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

6/23/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

080896 **[Settlement of Lawsuit - City and County of San Francisco, et al., v. Pravin Dahy Abhai Patel, et al.]**

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco and the People of the State of California, by and through Dennis J. Herrera, City Attorney for the City and County of San Francisco, against Pravin Dahy Abhai Patel, George Patel, and Sanjay Patel in exchange for an agreement to rescind the notice of withdrawal submitted pursuant to Government Code section 7060(a); the lawsuit was filed on July 12, 2006, in San Francisco Superior Court, Case No. CGC- 06-454092; entitled City and County of San Francisco, et al., v. Pravin Dahy Abhai Patel, et al; other material terms of said settlement are set forth in the Settlement Agreement contained in Board of Supervisors File No. 080896. (City Attorney)

6/20/08, RECEIVED AND ASSIGNED to Rules Committee.

080897 **[Settlement of Lawsuit - Schram Construction, Inc. - $722,104.09]**

Ordinance authorizing settlement of the lawsuit filed by Schram Construction, Inc. ("Schram') against the City and County of San Francisco (the "City") seeking $1,000,000; the lawsuit was filed on June 23, 2006 in the Superior Court of the City and County of San Francisco, Case No.CGC-06-453479, entitled Schram Construction, Inc., v. City and County of San Francisco; other material terms of said settlement are: 1) The City will pay a total of $722,104.09 to Schram; 2) Schram will indemnify the City against potential legal claims and/or lawsuits from subcontractors and suppliers; 3) All warranties not yet expired will remain in full force and effect; and 4) The City reserves all rights relating to latent defects. (City Attorney)

6/25/08, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

080797 [Authorizing award of architectural and engineering design services contract for the San Francisco General Hospital Replacement Program and adopting findings under CEQA]

Resolution authorizing the award of an architectural and engineering design services contract for the San Francisco General Hospital Seismic Compliance Hospital Replacement Program; adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations; and finding that the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53. (Public Works Department)

(Fiscal Impact.)

6/2/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

6/24/08, SUBSTITUTED. Department of Public Works submitted a substitute resolution bearing new title.

6/24/08, ASSIGNED to Government Audit and Oversight Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 4:02 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Wednesday, July 16, 2008 2:00 PM

Legislative Chamber - Second Floor

Special Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi, Daly, Chu	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Commissioners Kim, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Ammiano, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty, Ammiano	1st and 3rd Thursday 10:00 AM

DOCUMENTS DEPT.

JUL 17 2008

SAN FRANCISCO
PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll all Supervisors were noted present.

There was a quorum present.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

080736 **[Planning Code- Modifying the fee refund provisions for inclusionary housing projects]**
Mayor

Ordinance amending Planning Code Section 315.4 to limit refunds for environmental review, conditional use applications and fees covered in Planning Code Section 352 to only that portion of the housing project which is affordable and to clarify that the refund provision is only available to projects that filed on or after June 18, 2001; and making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

FINALLY PASSED

080719 **[Building Code - fee adjustment]**
Ordinance amending the Building Code to amend various sections and fee schedule tables to adjust fees or permits, inspections, and other actions. (Building Inspection Department)

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

080780 **[Accept-expend federal-state pass through grant - $1,277,875]**
Supervisor Mirkarimi

Resolution authorizing the Department of Economic and Workforce Development to retroactively accept and expend a grant in the amount of $1,277,875 from the United States Department of Labor for workforce development activities.

ADOPTED

080825 **[Apply for state grant up to $1,000,000 - Sheriff's Department project to address the needs of mentally ill offenders in the jails]**
Supervisor Elsbernd

Resolution authorizing the Sheriff's Department to apply for a 12-month grant in an amount not to exceed $ 1,000,000 from the Corrections Standards Authority for the Mentally Ill Offenders Crime Reduction (MIOCR) Grant Program.

ADOPTED

080904 **[Accept-expend federal-state pass through grant, Department of Economic and Workforce Development - $237,254]**
Supervisor Mirkarimi

Resolution authorizing the Department of Economic and Workforce Development to retroactively accept and expend a grant in the amount of $237,254 from the United States Department of Labor passed through the California Employment Development Department for workforce development activities.

ADOPTED

080905 **[Accept-expend private grant, Department of Economic and Workforce Development - $100,000]**
Supervisor Mirkarimi

Resolution authorizing the Department of Economic and Workforce Development to retroactively accept and expend a grant in the amount of $100,000 from the Evelyn and Walter Haas, Jr. Fund for workforce training.

ADOPTED

Recommendations of the Government Audit and Oversight Committee

080566 **[Approving an agreement with Cochran, Inc. to install shoreside power equipment at Piers 27 and 29 of the Port of San Francisco and waiving the contracting requirements of the Administrative Code and Environment Code]**
Supervisors Peskin, Dufty, Alioto-Pier

Ordinance authorizing the Executive Director of the Port to execute an agreement with Cochran, Inc. to install shoreside power equipment at Piers 27 and 29 of the Port of San Francisco for an amount not to exceed $1,700,000 from the City and an additional $1,900,000 to be separately provided by Princess Cruise Lines from the Bay Area Air Management District Carl Moyer Program grant and exempting the agreement from the contracting requirements of the Administrative Code and Environment Code.

(Fiscal Impact.)

FINALLY PASSED

080802 **[MOU, Amendment No. 2 - Service Employees International Union, Local 1021]**
Mayor, Supervisor Elsbernd

Ordinance adopting and implementing Amendment #2 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021 by extending the terms of the parties' Agreement through June 30, 2010.

FINALLY PASSED

080803 [MOU, Amendment No. 1 - Automotive Machinists Union, Local 1414]
Mayor, Supervisor Elsbernd

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Automotive Machinists Union, Local 1414, Machinists Automotive Trades District 190, International Association of Machinists and Aerospace Workers by extending the terms of the parties' Agreement through June 30, 2010.

FINALLY PASSED

080804 [MOU, Amendment No. 1 - International Federation of Professional and Technical Engineers, Local 21]
Mayor, Supervisor Elsbernd

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the International Federation of Professional and Technical Engineers, Local 21, AFL-CIO by extending the terms of the parties' Agreement through June 30, 2010.

FINALLY PASSED

080805 [MOU, Amendment No. 1 - Municipal Attorneys' Association]
Mayor, Supervisor Elsbernd

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys' Association by extending the terms of the parties' Agreement through June 30, 2010.

FINALLY PASSED

080806 [MOU, Amendment No. 1 - Operating Engineers Local Union No. 3]
Mayor, Supervisor Elsbernd

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO by extending the terms of the parties' Agreement through June 30, 2010.

FINALLY PASSED

080807 [MOU, Amendment No. 1 - United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38]
Mayor, Supervisor Elsbernd

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38 by extending the terms of the parties' Agreement through June 30, 2010.

FINALLY PASSED

080808 **[MOU, Amendment No. 1 - Teamsters, Local 350]**
Mayor, Supervisor Elsbernd

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 350 by extending the terms of the parties' Agreement through June 30, 2010.

FINALLY PASSED

080809 **[MOU, Amendment No. 1 - Teamsters, Local 856 (Multi-Unit)]**
Mayor, Supervisor Elsbernd

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 856 (Multi-Unit) by extending the terms of the parties' Agreement through June 30, 2010.

FINALLY PASSED

080810 **[MOU, Amendment No. 2 - Union of American Physicians and Dentists (Unit 8CC)]**
Mayor, Supervisor Elsbernd

Ordinance adopting and implementing Amendment #2 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 8CC) by extending the terms of the parties' Agreement through June 30, 2010 and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

FINALLY PASSED

080811 **[MOU, Amendment No. 1 - Union of American Physicians and Dentists (Unit 11AA)]**
Mayor, Supervisor Elsbernd

Ordinance adopting and implementing Amendment #1 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 11AA) by extending the terms of the parties' Agreement through June 30, 2010 and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

FINALLY PASSED

080812 **[MOU, Amendment No. 2 - Municipal Executives' Association]**
Mayor, Supervisor Elsbernd

Ordinance adopting and implementing Amendment #2 to the 2006-2009 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association by extending the terms of the parties' Agreement through June 30, 2010 and by implementing specified terms and conditions of employment for fiscal years 2008-2009 and 2009-2010.

FINALLY PASSED

080813 **[MOU, Municipal Executives' Association - Fire]**
Mayor, Supervisor Elsbernd

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Fire, to be effective July 1, 2007 through June 30, 2011.

FINALLY PASSED

080814 **[MOU, Municipal Executives' Association - Police]**
Mayor, Supervisor Elsbernd

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Police, to be effective July 1, 2007 through June 30, 2011.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

080734 **[Proposition J Contract/Janitorial Services for 875 Stevenson Street]**
Mayor

Resolution concurring with the Controller's certification that the janitorial services at 875 Stevenson Street can be performed by private contractor for a lower cost than similar work performed by City and County employees.

(Supervisors Daly and Mirkarimi dissented in committee.)

NOT ADOPTED by the following vote:

Ayes: 5 - Alioto-Pier, Chu, Elsbernd, Maxwell, McGoldrick
Noes: 6 - Ammiano, Daly, Dufty, Mirkarimi, Peskin, Sandoval

080762 [Proposition J Contract/Security Services for San Francisco General Hospital, Laguna Honda Hospital and Various Clinics]

Mayor

Resolution concurring with the Controller's certification that security services for San Francisco General Hospital, Laguna Honda Hospital and various clinics can be performed by private contractor for a lower cost than similar work performed by City and County employees.

(Supervisors Daly and Mirkarimi dissented in committee.)

Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved that this Resolution be CONTINUED. The motion FAILED by the following vote:

Ayes: 5 - Alioto-Pier, Chu, Elsbernd, Maxwell, McGoldrick
Noes: 6 - Ammiano, Daly, Dufty, Mirkarimi, Peskin, Sandoval

NOT ADOPTED by the following vote:

Ayes: 4 - Alioto-Pier, Chu, Elsbernd, McGoldrick
Noes: 7 - Ammiano, Daly, Dufty, Maxwell, Mirkarimi, Peskin, Sandoval

080766 [De-appropriating $2,500,000 of Hotel Room Tax from the Low Income Housing Program and Re-appropriating $2,500,000 to the General Fund for Fiscal Year 2007-2008]

Mayor

Ordinance de-appropriating $2,500,000 of Hotel Room Tax from the Low Income Housing Program and re-appropriating $2,500,000 to the General Fund in the Mayor's Office for Fiscal Year 2007-2008.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Ammiano

Recommendations of the Government Audit and Oversight Committee

080592 [Appropriating $272,515,000 of COP Revenue for the San Francisco Public Utilities Commission Electrical Reliability Power Project for Fiscal Year 2007-2008]

Supervisors Maxwell, Peskin

Ordinance appropriating $272,515,000 of San Francisco Certificates of Participation 2008 Series B and 2008 Series C to fund the San Francisco Electrical Reliability Project also referred to as the Combustion Turbine projects in the Public Utilities Commission for FY 2007-2008.

(Supervisor Alioto-Pier dissented in committee.)

Continued to August 12, 2008

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

080523 [Approving agreements for the development of the City Combustion Turbine Projects at San Francisco International Airport and at 25th and Maryland Streets]
Supervisors Maxwell, Dufty, McGoldrick, Peskin

Ordinance approving agreements necessary for the development of the City Combustion Turbine Projects to be located at North Access Road and Clearwater Drive, San Francisco International Airport, and at Property Adjacent to the MTA Metro East Facility at 25th and Maryland Streets in San Francisco including a turbine upgrade agreement and electric and gas interconnection agreements and granting specified exceptions to the Administrative Code, and making environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section. 101.1.

(Supervisor Alioto-Pier dissented in Committee.)

Continued to August 12, 2008

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

080577 [Approving agreements for the development of the City Combustion Turbine Projects at San Francisco International Airport and at 25th and Maryland Streets and adopting environmental findings]
Supervisors Maxwell, Dufty, McGoldrick, Peskin

Resolution approving agreements necessary for the development of the City Combustion Turbine Projects to be located at North Access Road and Clearwater Drive, San Francisco International Airport, and at Property Adjacent to the MTA Metro East Facility at 25th and Maryland Streets in San Francisco, including a design-build agreement and a power purchase agreement; and approving property agreements, including a jurisdictional transfer of property to accommodate the proposed projects, subject to further agreements among the affected City departments; and making environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Continued to August 12, 2008

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

080524 **[Authorizing the execution and delivery of certificates of participation to finance the San Francisco Combustion Turbine Projects and approving property leases, project leases and a trust agreement in connection therewith]**

Supervisors Maxwell, Dufty, McGoldrick, Peskin

Resolution authorizing the execution and delivery of certificates of participation to finance the acquisition, construction, installation and equipping of natural gas-fired combustion turbine generation facilities on City-owned property located at 25th and Maryland Street in the Potrero neighborhood and at the San Francisco International Airport at the corner of North Access Road and Clearwater Drive; approving the form of a trust agreement between the City and County of San Francisco and a trustee (including certain indemnities contained therein); authorizing the selection of a trustee; approving the forms of property leases between the City and the trustee relating to the Potrero site and to the San Francisco International Airport site; approving the forms of project leases between the trustee and the City (including certain indemnities contained therein) relating to each of the two Projects; approving the form of a Memorandum of Understanding between the San Francisco Public Utilities Commission and the City; approving the form of an official notice of sale and notice of intention to sell for the certificates of participation; approving the form of an official statement in preliminary and final form; approving the form of a continuing disclosure certificate; and ratifying previous actions taken in connection therewith.

(Supervisor Alioto-Pier dissented in Committee.)

Continued to August 12, 2008

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

From the Land Use and Economic Development Committee Without Recommendation

080512 **[Hunters Point Shipyard - Street Vacation Order]**

Ordinance ordering the vacation of portions of Innes Avenue, Galvez Avenue and Donahue Street in Hunters Point Shipyard Parcel "A1"and all of Navy Road in Hunters Point Shipyard Parcel "A2" along with public service easements that may exist in Parcels A1 and A2; making environmental findings and findings of consistency with the City's General Plan, Planning Code Section 101.1, and the Hunters Point Redevelopment Plan; quitclaiming the City's interest in the vacation areas; reserving easement rights for a City combined sewer line and facilities; accepting Department of Public Works Order No. 177,478; and authorizing official acts in connection with this Ordinance. (Public Works Department)

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

Recommendations of the Rules Committee

080638 [Creating an Independent Ratepayer Advocate to review and recommend utility service rates proposed by the San Francisco Public Utilities Commission]

Supervisors Alioto-Pier, Ammiano, Dufty, Chu, Elsbernd, Sandoval

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by adding Section 8B.128, to create an Office of the Independent Ratepayer Advocate to evaluate, analyze, provide comments and make recommendations on the efficiency, equity, and fiscal feasibility, from the ratepayers' perspective, of utility rate proposals prepared by the San Francisco Public Utilities Commission under Charter section 8B.125; to require the City Administrator to appoint an Independent Ratepayer Advocate;and prescribing the duties and responsibilities of the Office of the Independent Ratepayer Advocate.

(Supervisor Daly dissented in committee.)

Supervisor Mirkarimi, seconded by Supervisor Sandoval, moved to continue this matter to July 22, 2008.
Motion to continue this matter failed by the following vote:
Ayes: 5- Daly, Maxwell, Mirkarimi, Peskin, Sandoval
Noes 6 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, McGoldrick

Supervisors Chu, Elsbernd and Sandoval requested to be added as co-sponsors.

ORDERED SUBMITTED by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Sandoval
Noes: 3 - Daly, Mirkarimi, Peskin

080641 [Pier 70 plan and lease approvals; General Fund financing for Pier 70 waterfront improvements; transfer of funds according to agreements between the Port Commission and other departments; priorities for use of Port funds]

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by adding Sections B7.310 and B7.320, and amending Section B6.406, to: authorize the Board of Supervisors to approve a Pier 70 financial and land use plan; authorize a mechanism for the City to appropriate General Fund revenues in an amount up to 75% of the projected hotel and payroll taxes attributable to new development at Pier 70 to finance waterfront improvements; waive Board approval of leases consistent with the approved Pier 70 plan; require the City to appropriate funds for certain Board-approved agreements between City departments and the Port Commission; and, updating the priorities for use of Port revenues.

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Charter Amendment (Fourth Draft) to amend the Charter of the City and County of San Francisco by adding Sections B7.310 and B7.320, and amending Section B6.406, to: authorize the Board of Supervisors to approve a Pier 70 financial and land use plan; authorize a mechanism for the City to appropriate General Fund revenues in an amount up to 75% of the projected hotel and payroll taxes attributable to new development at Pier 70 to finance waterfront improvements; waive Board approval of leases consistent with the approved Pier 70 plan; require the City to appropriate funds for certain Board-approved agreements between City departments and the Port Commission; and, updating the priorities for use of Port revenues.

Continued to July 22, 2008 with the Board Sitting as a Committee of the Whole.

CONTINUED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080642 [Number of signatures required to qualify a recall petition]
Supervisor McGoldrick

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Section 14.103, to adopt State law regarding the number of signatures required to qualify a recall petition for local officers.

ORDERED SUBMITTED by the following vote:
Ayes: 7 - Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi
Noes: 4 - Chu, Elsbernd, Peskin, Sandoval

080645 [Prohibition on City employees serving as members of Charter boards and commissions]
Supervisor McGoldrick

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section 4.101, to prohibit City employees from serving as members of boards and commissions created in the Charter.

ORDERED SUBMITTED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Dufty, Maxwell

080643 [City Elections In Even-Numbered Years]
Supervisor McGoldrick

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Sections 2.101 and 13.101 and Article XVII to change the election cycle for the offices of Mayor, Sheriff, District Attorney, City Attorney and Treasurer so that these offices will be elected in even-numbered years; and to amend the definition of general municipal election so that such elections occur only in even-numbered years.

Continued to July 22, 2008

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Rules Committee Without Recommendation

080619 [Providing for appointment rather than election of the City Treasurer]
Supervisor McGoldrick

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by adding Section 3.106, amending Sections 6.100, 13.101, 13.101.5, 13.102, and 14.103, and repealing Section 6.106, to provide for appointment rather than election of the City Treasurer, and set qualifications for the office of Treasurer.

Continued to July 22, 2008

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080620 [Creating a Public Works Commission, setting its powers and duties; authorizing the Mayor to appoint the Director of Public Works]
Supervisor McGoldrick

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by adding a new Section 4.121.5 and amending Sections 3.104, 4.130 and D3.750-4, to create a Public Works Commission and establish its powers and duties, and authorize the Mayor to appoint the Director of Public Works.

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Charter Amendment be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080851 [Appointment of the City Treasurer; City Elections in Even-numbered Years]
Supervisor McGoldrick

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by (1) adding Section 3.106, amending Sections 6.100, 13.101, 13.101.5, 13.102, and 14.103, and repealing Section 6.106, to provide for appointment rather than election of the City Treasurer, set qualifications for the Office of Treasurer, and setting an operative date; and, (2) amending Sections 2.101, 13.101 and Article XVII to: change the election cycle for the offices of Mayor, Sheriff, District Attorney, and City Attorney so that these offices will be elected in even-numbered years; amend the definition of general municipal election so that such elections occur only in even-numbered years; and, clarify the operation of term limits for members of the Board of Supervisors.

Continued to July 22, 2008

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Budget and Finance Committee

080725 **[Consolidated Budget and Annual Appropriation Ordinance, Fiscal Year 2008-2009 and for the Municipal Transportation Agency, Fiscal Years 2008-2009 and 2009-2010]**

Mayor

Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year ending June 30, 2009 and for the Municipal Transportation Agency fiscal years ending June 30, 2009 and June 30, 2010.

(Supervisor Daly dissented in committee.)
(Fiscal Impact.)

Continued to July 22, 2008

Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080726 **[Annual Salary Ordinance, Fiscal Year 2008-2009 and for the Municipal Transportation Agency Fiscal Years 2008-2009 and 2009-2010]**

Mayor

Consolidated Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2009 and for the Municipal Transportation Agency, fiscal Years ending June 30, 2009 and June 30, 2010, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

(Supervisor Daly dissented in committee.)
(Fiscal Impact.)

Continued to July 22, 2008

Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080922 **[Redevelopment Agency Bond 2008-2009]**

Resolution approving the Issuance by the Redevelopment Agency of Bonds in an aggregate principal amount of not to exceed $202,824,283 to finance a portion of redevelopment activities described in such approved Budget for fiscal year 2008-2009.

Continued to July 22, 2008

Supervisor Chu, seconded by Supervisor Alioto-Pier, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Ammiano was noted absent at 4:18 p.m.

Appointment of President Pro Tempore

At the request of the President, Supervisor Sandoval assumed the Chair so the President could participate in the debate from the floor concerning the following item.

080737 **[Planning Department Fee Adjustment]**

Mayor, Supervisor Elsbernd

Ordinance amending the San Francisco Planning Code by amending Article 3.5 to adjust fees for Planning Department services; and making Section 302 and environmental findings.

Amended on page 8, line 18, by replacing "$500.00" with "$300.00" for discretionary appeals."

Supervisor Peskin, seconded by Supervisor McGoldrick, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

080738 **[Environmental review fees, Community fee, and related fees]**

Mayor

Ordinance amending the San Francisco Administrative Code by amending Sections 31.22 and 31.23 to increase environmental review fees 1.63 percent, to adopt a new fee for Determination of Historical Resources, and to increase fees to recover cost of producing area plans from projects in Plan Areas; adding Section 31.24 to adopt new fees for Community Plans; and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080854 **[Amendment to Contract with Geomatrix Consultants, Inc.]**

Resolution approving an amendment to the contract with Geomatrix Consultants, Inc. to extend the term through June 30, 2009, to modify the scope of services, and to increase the contract by an amount not to exceed $180,000 for a new total amount not to exceed $1,439,000 for environmental consulting services. (Treasure Island Development Authority)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080793 [Retroactively appropriating $5,698,066 of revenue and General Fund Reserve for a new voting system and election services in the Department of Elections for Fiscal Year 2007-2008]

Mayor

Ordinance retroactively appropriating $3,544,110 of State Proposition 41 grant revenue, $898,965 of settlement revenue, $124,218 of revenue from candidate filing fees and other general government charges, and $1,044,327 of General Fund Reserve, for a total appropriation of $5,698,066, for a new voting system and election services in the Department of Elections for Fiscal Year 2007-2008.

(Fiscal Impact.)

Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Ordinance retroactively appropriating $3,544,110 of State Proposition 41 grant revenue, $898,965 of settlement revenue, $210,664 of revenue from candidate filing fees and other general government charges, and $1,044,327 of General Fund Reserve, for a total appropriation of $5,698,066, for a new voting system and election services in the Department of Elections for Fiscal Year 2007-2008.

(Fiscal Impact.)

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

080794 [Appropriating $16,864,000 to support cost overruns at San Francisco General and Laguna Honda Hospitals in the Department of Public Health for Fiscal Year 2007-2008]

Mayor

Ordinance appropriating $16,864,000, including $15,449,000 in surplus hospital revenues and $1,415,000 from a de-appropriation of General Fund savings in Health at Home, for cost overruns at San Francisco General Hospital and Laguna Honda Hospital in the Department of Public Health for Fiscal Year 2007-2008; and de-appropriating $5,801,000 of the Healthy San Francisco revenues and expenditures due to lower program participation in the Department of Public Health for Fiscal Year 2007-2008.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080442 [Recreation and Park Department - County Fair Building & Botanical Garden Facility Rental Fees]

Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, by adding Section 12.46, to establish facility rental fees for the County Fair Building and Botanical Garden.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080739 **[Chlorofluorocarbon Recovery and Recycling Fees]**
Mayor

Ordinance amending Section 1412 of San Francisco Health Code Article 24 to increase fees for permitting and inspections by the Department of Health and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080740 **[Diesel Backup Generator Fees]**
Mayor

Ordinance amending Section 2017 of Health Code Article 30 to increase fees for registration applications and regulation of diesel backup generators and add provisions for the Controller to adjust fees annually, and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080741 **[Hazardous Materials Fees]**
Mayor

Ordinance amending Section 1176 of San Francisco Health Code Article 21 to increase fees for hazardous materials registration, storage, handling and inspections by the Department of Public Health; and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080742 **[Hazardous Waste Management Fees]**

Ordinance amending Section 1204 of San Francisco Health Code Article 22 to increase fees for hazardous waste generators and inspections by the Department of Public Health and to provide for subsequent fee adjustments to ensure that such fees cover program costs; and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080743 **[Hazardous Waste Soil Analysis Fees]**
Mayor

Ordinance amending Section 1237 of the San Francisco Health Code to increase fees for hazardous waste soil analysis and add provisions for the Controller to adjust annually, and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080744 **[License and Permit Fees]**
Mayor

Ordinance amending the San Francisco Business and Tax Regulations Code by amending Sections 35, 120, 248, 249.1, 249.7, 249.11, 249.12, 249.13, 249.14, 249.16, and 249.20; and the San Francisco Health Code by amending Sections 258, 1009.54, 1927, and 3304 relating to fees for licenses, permits and inspections by the Department of Public Health.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080745 **[Medical Waste Generator Registration, Permitting, Inspections And Fees]**
Mayor

Ordinance amending Sections 1504 through 1509, and 1513 and 1514 of San Francisco Health Code Article 25 to increase registration and permit fees for persons who generate, store, haul and treat medical waste and for inspections by the Department of Public Health; and making environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080746 **[Risk Management Program Fees]**
Mayor

Ordinance amending Section 1191 of San Francisco Health Code Article 21A to increase fees for Risk Management Plans and inspections of stationary sources by the Department of Public Health and making environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080747 **[Ambulance Permit Fees]**
Mayor

Ordinance amending Section 249.8 of the San Francisco Business and Tax Regulations Code to increase annual ambulance permit fees and create a fee for initial ambulance provider permit application; and making environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080748 **[Health Inspection Fees]**
Mayor

Ordinance amending San Francisco Health Code by deleting Sections 609, 609.1, 609.2, and 609.3 and adding new Sections 609, 609.1, 609.2 to impose a fee for vector control and healthy housing inspections, increase fees for reinspections, substitute the lien procedures of Article XX of Chapter 10 of the San Francisco Administrative Code for collection of reinspection fees, and add provisions for the Controller to adjust annually, and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080749 **[San Francisco Public Library - Fees]**
Mayor

Ordinance making environmental findings and amending the San Francisco Administrative Code by amending Section 8.21-2 to adjust existing Library fees and authorize the Library to collect fees for scanning services, special meeting room services, and lost and damaged interlibrary loan materials.

(Supervisors Daly and Mirkarimi dissented in committee.)

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin
Noes: 4 - Ammiano, Daly, Mirkarimi, Sandoval

080750 **[Recreation and Park Department - Athletic Fields Fees]**
Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, by amending Section 12.36 to increase the application fee for certification as a non-profit.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Daly, Sandoval

080751 **[Recreation and Park Department - Aquatic Facilities Fees]**
Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, by amending Section 12.40 to increase the fees at the Aquatic facilities.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Sandoval

080752 **[Recreation and Park Department - Facility Rental Fees]**
Mayor

Ordinance making environmental findings and adding San Francisco Park Code Section 12.47 to establish rental fees for the use of the Randall Museum and the Harvey Milk Performing Arts Center.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Sandoval

080753 [Recreation and Park Department - Reservation Administrative Fees]
Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, by amending Section 12.45 to establish an athletic field re-scheduling fee.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Sandoval

Supervisor Ammiano was noted absent at 4:18 p.m.

080754 [Recreation and Park Department - Coit Tower Fees]
Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, by amending Section 12.06 to increase the fees at Coit Tower.

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 1 - Peskin
Absent: 1 - Ammiano

080755 [Recreation and Park Department - Japanese Tea Garden Fees]
Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, by amending Section 12.05 to increase the fees at the Japanese Tea Garden.

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 1 - Peskin
Absent: 1 - Ammiano

080756 [Recreation and Park Department - Athletic League Fees]
Mayor

Ordinance making environmental findings and adding San Francisco Park Code Section 12.48 to establish fees for the use of Recreation and Park facilities by athletic leagues.

PASSED ON FIRST READING by the following vote:
Ayes: 8 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Daly, Sandoval
Absent: 1 - Ammiano

080757 [Recreation and Park Department - Conservatory of Flowers Facility Rental Fees]
Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, Section 12.34, to establish facility rental fees for the Conservatory of Flowers.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

080758 **[Fees for Fire Department Services and Permits]**
Mayor

Ordinance making environmental findings and amending Sections 105.6.47, 105.6.48, 112.2, 112.3, 112.7, 112.8, 112.9, 112.10, 112.11, 112.15, 112.17, 112.18 and Tables 112-A, 112-B and 112-C of Appendix Chapter 1 of the San Francisco Fire Code to increase fees for certain Fire Department services and permits, amending Section 112.9 to add an Express Plan Review service, and adding Sections 105.6.50, 112.19, and 112.20 to Appendix Chapter 1 of the San Francisco Fire Code to establish fees for certain Fire Department services and permits, to become operative on its effective date or on July 1, 2008, whichever is later.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

080759 **[Fees for Fire Department Emergency Medical Services]**
Mayor

Ordinance making environmental findings and amending Section 128.1 of the San Francisco Health Code to increase fees for certain Fire Department emergency medical services, to eliminate the fee for supplemental supplies, and to modify the language regarding fee changes in subsequent years.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

080761 **[Patient Rates]**
Mayor

Ordinance amending Section 128 of the San Francisco Health Code to set patient rates and other services provided by the Department of Public Health, effective July 1, 2008.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

080765 **[Regulation of Newsracks: Increasing Fixed Pedestal Permit Fee]**
Mayor

Ordinance amending Section 184.12 of the San Francisco Public Works Code to provide that the annual fee for a fixed pedestal permit shall be $60.

(Supervisors Daly and Mirkarimi dissented in committee.)

PASSED ON FIRST READING by the following vote:
Ayes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick
Noes: 4 - Daly, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

080708 [Recorder's fee for Social Security Number Truncation Program - $1.00]
Supervisor Peskin

Ordinance amending Chapter 8 of the San Francisco Administrative Code by adding Section 8.24.7, to authorize an additional $1.00 recording fee to fund the Social Security number truncation program, and making environmental findings. (Assessor-Recorder)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

080733 [Lease of space for cellular transmission at Alemany Farmers' Market Property]
Mayor

Resolution authorizing the lease of space for up to three cellular transmission sites at the property commonly known as the Alemany Farmers' Market located at the corner of Alemany Boulevard and Putnam Street.

(Supervisors Daly and Mirkarimi dissented in committe.)

NOT ADOPTED by the following vote:
Ayes: 4 - Alioto-Pier, Chu, Elsbernd, McGoldrick
Noes: 6 - Daly, Dufty, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

Recommendation of the City Operations and Neighborhood Services Committee

080264 [Liquor license, One Ferry Building, #29]
Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to Bishara Mudawar for Kabo, LLC, dba Village Market, located at One Ferry Building #29 (District 3), will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

Recommendations of the Government Audit and Oversight Committee

080675 [Approval of a contract amendment with InfoMc, Inc. to support and maintain the eCURA application in use by the Community Behavioral Health Services unit of the Department of Public Health]
Resolution authorizing the San Francisco Department of Public Health (DPH), to enter into a contract amendment with InfoMc, Inc. for the continued maintenance of proprietary InfoMc, Inc. applications for a new term July 1, 1999 through June 30, 2011. (Public Health Department)

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

080874 **[Urging the State of California to repeal local preemption regarding pesticides]**
Supervisors Alioto-Pier, Mirkarimi, Maxwell, Peskin

Resolution urging the State of California to repeal the local preemption ban which prohibits local jurisdictions from banning pesticides throughout their city and county limits.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

080915 **[Assessment Ballots for City Parcels, for proposed Yerba Buena Community Benefit District]**
Mayor

Resolution authorizing the Mayor to cast assessment ballots in the affirmative on behalf of the City and County of San Francisco as the owner of nine parcels of real property that would be subject to assessment in the proposed property and business improvement district to be named the Yerba Buena Community Benefit District.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

From the Government Audit and Oversight Committee Without Recommendation

080664 **[SFGH Trauma Center General Obligation Bonds - $887,400,000]**
Mayor, Supervisors Ammiano, Maxwell, Alioto-Pier, Chu, Daly, Dufty, McGoldrick, Mirkarimi, Sandoval, Peskin, Elsbernd

Resolution determining and declaring that the public interest and necessity demand the building and/or rebuilding and improving of the earthquake safety of the San Francisco General Hospital and Trauma Center and related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of $887,400,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness; adopting findings under the California Environmental Quality Act, ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations; finding the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; and waiving the time limits set forth in Administrative Code section 2.34.

(Fiscal Impact.)

Supervisor Elsbernd requested to be added as a co-sponsor.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

080663 [SFGH Trauma Center General Obligation Bond Election - $887,400,000]
Mayor, Supervisors Ammiano, Maxwell, Alioto-Pier, Chu, Daly, Dufty, McGoldrick, Mirkarimi, Sandoval, Peskin, Elsbernd

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, November 4th 2008, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: $887,400,000 for the building and/or rebuilding and improving of the earthquake safety of the San Francisco General Hospital and Trauma Center and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; adopting findings under the California Environmental Quality Act, ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations; finding that the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with the restrictions on the use of bond proceeds specified in Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 – 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

(Fiscal Impact.)

Supervisor Elsbernd requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

Recommendations of the Land Use and Economic Development Committee

071009 [Construction Dust Control]
Supervisors Maxwell, Peskin, Ammiano, Dufty, Mirkarimi

Ordinance amending the San Francisco Building Code by adding Section 106.3.2.6 to require that all site preparation work, demolition, or other construction activities within the City and County of San Francisco that have the potential to create dust or will expose or disturb more than 10 cubic yards or 500 square feet of soil must comply with specified dust control measures whether or not the activity requires a permit from the Department of Building Inspection, with provision for waiver by the Director for activities on sites less than one half acre that are unlikely to result in any visible windblown dust; amending the San Francisco Health Code by adding Article 22B to require, for projects over one half acre, that the project sponsor obtain approval of a dust control plan from the Director of Public Health unless the Director waives these requirements or the project qualifies for an interior only tenant improvement project exemption, and enacting fees to defray the costs of implementation; adopting environmental and general findings.

Supervisor Mirkarimi requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

080850 [Zoning - 901 Bush Street Special Use District]
Supervisor Peskin

Ordinance amending the San Francisco Planning Code by adding Section 249.36 and amending Sheet SU01 of the Zoning Map of the City and County of San Francisco to establish the 901 Bush Street Special Use District in the area generally bounded by Bush Street to the north, Taylor Street to the East, and Assessor's Block 0282 Lots 017 and 022 to the west and south, respectively; and adopting environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1(b).

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

Recommendation of the Rules Committee

080639 [Retirement system credit for unpaid parental leave]
Supervisors Alioto-Pier, Daly, Dufty, Ammiano, Mirkarimi

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by: adding Sections A8.523 through A8.523-7, to allow retirement system credit for eligible members who have taken unpaid parental leave while employed with the City and County; amending Sections A8.509, A8.559-10, A8.585-10, A8.586-10, A8.587-7, A8.588-10, A8.595-10, A8.596-10, A8.597-10, and A8.598-10, relating to computation of service credit for a period of unpaid parental leave; and amending Sections A8.509, A8.559-11, A8.585-11, A8.586-11, A8.587-8, A8.588-11, A8.595-11, A8.596-11, A8.597-11, and A8.598-11, relating to the source of funds for eligible members who elect to purchase service credit for a period of unpaid parental leave.

Continued to July 22, 2008
Supervisor Mirkarimi requested to be added as a co-sponsor.

Supervisor Alioto-Pier, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

From the Rules Committee Without Recommendation

080651 [Policy regarding budget set-asides]
Mayor

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by adding Section 9.119 to: (1) establish as official City policy that the voters will not approve new set-asides or other mandated levels of spending without identifying a new funding source for the program, and that the duration and any annual growth in the set-aside or mandated level of spending be limited; and (2) require that the voter information pamphlet include a specific Controller's analysis of the fiscal impact of a proposed new set-aside.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion FAILED by the following vote:

Ayes: 4 - Daly, McGoldrick, Mirkarimi, Peskin
Noes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, Sandoval
Absent: 1 - Ammiano

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to continue this matter to July 22, 2008. Supervisor Daly withdrew his motion to continue this matter.

Supervisor Elsbernd, seconded by Supervisor Daly, moved that this Charter Amendment be TABLED. The motion carried by the following vote:

Ayes: 7 - Ammiano, Chu, Daly, Elsbernd, Maxwell, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Dufty, McGoldrick, Mirkarimi

Recommendations of the Rules Committee

080940 [Appointment, Commission of Animal Control and Welfare]

Motion appointing Dr. David Gordon, term ending April 30, 2010, to the Commission of Animal Control and Welfare.

Dr. David Gordon succeeding Mara Weiss, term expired, seat 7, must be licensed veterinarian, for a two-year term ending April 30, 2010.

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

From the Rules Committee Without Recommendation

080972 [Appointment, Commission of Animal Control and Welfare, Christine Garcia]

Motion appointing Christine Garcia, term ending April 30, 2010, to the Commission of Animal Control and Welfare.

Christine Garcia succeeding herself, seat 2, must be a member representing the general public having interest and experience in animal matters, for a two-year term ending April 30, 2010.

NOT APPROVED by the following vote:

Ayes: 2 - Daly, Mirkarimi
Noes: 8 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Ammiano

080974 [Appointment, Commission of Animal Control and Welfare, Angela Padilla]

Motion appointing Angela Lucia Padilla, term ending April 30, 2010, to the Commission of Animal Control and Welfare.

Angela Lucia Padilla succeeding Christine Garcia, seat 2, must be a member representing the general public having intertest and experience in animal matters, for a two year term ending April 30, 2010.

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Absent: 1 - Ammiano

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Maxwell introduced, welcomed and presented Certificate of Honors to Dr. Bennett and Dr. Nadine Burke in recognition of their efforts in providing medical assistance to the citizens in Bayview Hunters Point area.

SPECIAL ORDER 3:30 P.M

080888 **[Public Hearing - Appeal of Tentative Final Map for 1420 Turk/1535 Eddy Streets]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated June 5, 2008, disapproving a proposed Tentative Final Map for a 325 unit residential condominium located at 1420 Turk Street and 1535 Eddy Street, Lot 019 in Assessor's Block 0750. (Appellant: Timothy A. Tosta)

(Filed June 16, 2008; companion measure to Files 080889, 080890, 080891; District 5.)

The President inquired as to whether any member of the public wished to address the Board members. Tim Tosta, Appellant, agreed to a continuance to August 12, 2008 at 3:30 p.m.

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

(Only one of the following two motions should be approved.)

080889 **[Approving the decision of the Director of Public Works and disapproving the Tentative Map for 1420 Turk Street and 1535 Eddy Street]**

Motion approving the decision of the Director of Public Works and disapproving the Tentative Map for a 325-unit condominium subdivision located at 1420 Turk Street and 1535 Eddy Street, Assessor's Block 0750, Lot 019. (Clerk of the Board)

Continued to August 12, 2008 at 3:30 p.m.

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080890 **[Disapproving the decision of the Director of Public Works and approving the Tentative Map for 1420 Turk Street and 1535 Eddy Street]**

Motion disapproving the decision of the Director of Public Works and approving the Tentative Map for a 325-unit condominium subdivision located at 1420 Turk Street and 1535 Eddy Street, Assessor's Block 0750, Lot 019. (Clerk of the Board)

Continued to August 12, 2008 at 3:30 p.m.

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080891 **[Findings - 1420 Turk Street and 1535 Eddy Street]**

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision concerning a Tentative Map for a 325-unit condominium subdivision located at 1420 Turk Street and 1535 Eddy Street, Assessor's Block 0750, Lot 019. (Clerk of the Board)

Continued to August 12, 2008 at 3:30 p.m.

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 4:00 P.M

080892 **[Public Hearing - Appeal of Tentative Final Map for 1345 Fillmore Street]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated June 5, 2008, disapproving a proposed Tentative Final Map for a 330 unit residential condominium located at 1345 Fillmore Street, Lots 018, 20 through 67, in Assessor's Block 0731. (Appellant: Timothy A. Tosta)

(Filed June 16, 2008; Companion measure to Files 080893, 080894, 080895; District 5.)

The President inquired as to whether any member of the public wished to address the Board.
Tim Tosta, Appellant, agreed to a continuance to August 12, 2008 at 3:30 p.m.

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

(Only one of the following two motions should be approved.)

080893 **[Approving the decision of the Director of Public Works and disapproving the Tentative Map for 1345 Fillmore Street]**

Motion approving the decision of the Director of Public Works and disapproving the Tentative Map for a 330-unit condominium subdivision located at 1345 Fillmore Street, Assessor's Block 0731, Lots 018 and 20 through 67. (Clerk of the Board)

Continued to August 12, 2008 at 3:30 p.m.

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080894 **[Disapproving the decision of the Director of Public Works and approving the Tentative Map for 1345 Fillmore Street]**

Motion disapproving the decision of the Director of Public Works and approving the Tentative Map for a 330-unit condominium subdivision located at 1345 Fillmore Street, Assessor's Block 0731, Lots 018 and 20 through 67. (Clerk of the Board)

Continued to August 12, 2008 at 3:30 p.m.

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080895 **[Findings - 1345 Fillmore Street Tentative Map]**

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision concerning a Tentative Map for a 330-unit condominium subdivision located at 1345 Fillmore Street, Assessor's Block 0731, Lots 018 and 20 through 67. (Clerk of the Board)

Continued to August 12, 2008 at 3:30 p.m.

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 4:00 P.M

080918 [Public Hearing - Appeal of Final Environmental Impact Report for the San Francisco Public Utilities Commission New Crystal Springs Bypass Tunnel Project located in unincorporated San Mateo County]

Hearing of persons interested in or objecting to the Planning Commission's June 5, 2008, certification of a Final Environmental Impact Report identified as Planning No. 2003.0655E, through it's Motion No. 17612, for a proposed San Francisco Public Utilities Commission New Crystal Springs Bypass Tunnel Project, located in unincorporated San Mateo County near Polemus and Crystal Springs Road. (Appellant: Todd A. Aanenson on behalf of the San Mateo Homeowners Association)

(Filed 6/25/08; companion measure to 080919, 080920, 080921.)

The President inquired as to whether any member of the public wished to address the Board.
President informed the Board members that the appellant had withdrawn the appeal.
The President declared the public hearing closed.

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Hearing be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

(Only one of the following two motions should be approved.)

080919 [Affirming certification of San Francisco Public Utilities Commission New Crystal Springs Bypass Tunnel Project FEIR]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the San Francisco Public Utilities Commission New Crystal Springs Bypass Tunnel Project.

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080920 [Disapproving certification of San Francisco Public Utilities Commission New Crystal Springs Bypass Tunnel Project FEIR]

Motion disapproving the certification by the Planning Commission of the Final Environmental Impact Report for San Francisco Public Utilities Commission New Crystal Springs Bypass Tunnel Project.

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080921 [Preparation of findings to disapprove certification of San Francisco Public Utilities Commission New Crystal Springs Bypass Tunnel Project FEIR]

Motion directing the Clerk of the Board to prepare findings disapproving the certification by the Planning Commission of the Final Environmental Impact Report for the San Francisco Public Utilities Commission New Crystal Springs Bypass Tunnel Project.

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

COMMITTEE REPORTS

080647 [Commission on the Environment]
Supervisor Mirkarimi

Charter Amendment (Fourth Draft) to amend the Charter of the City and County of San Francisco by amending Section 4.118, to clarify the authority of the Commission on the Environment to consider and make recommendations regarding environmental justice issues, to authorize the Commission to review and make recommendations regarding City building and land use policies for environmental sustainability, to authorize the Commission to assist City representatives to regional bodies, and to update the list of operations and functions that the Commission shall investigate and make recommendations regarding.

Continued to July 22, 2008

Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

080648 [San Francisco Clean Energy Act]
Supervisor Mirkarimi

Charter Amendment (Fourth Draft) to amend the Charter of the City and County by amending Sections 8B.120, 8B.123, and 9.107, and adding Sections 8B.128 through 8B.131, to: (i) address the crisis of global climate change by moving San Francisco from fossil fuels to clean, sustainable energy production, (ii) ensure environmentally sustainable and affordable electric supplies for residents, businesses, and City departments, (iii) require the Public Utilities Commission to determine the most effective means of providing clean, sustainable, reliable and reasonably-priced electric service to San Francisco residents, businesses and City departments, and (iv) establish an Independent Ratepayer Advocate to represent the interests of San Franciscans that purchase utility services from the City by evaluating and making recommendations on utility rate proposals prepared by the San Francisco Public Utilities Commission under Charter section 8B.125.

Continued to July 22, 2008

Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

080649 [Promoting and Sustaining Music and Culture in San Francisco]
Supervisors Mirkarimi, Ammiano, Sandoval, Dufty

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by adding Section 16.128, which is designed to promote music and culture in San Francisco by establishing a music and culture sustainability policy implementing those principles in part through a process for reviewing and possibly revising City Codes, and incorporating those principles into the General Plan of the City and County; and amending Section 4.106 to provide that the Board of Appeals shall have jurisdiction to hear appeals of denials of entertainment-related permits and events under the jurisdiction of the Recreation and Park Commission.

Continued July 22, 2008

Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

080650 [Creating an Historic Preservation Commission]
Supervisors Peskin, Ammiano

Charter Amendment (Fourth Draft) to amend the Charter of the City and County of San Francisco by amending Section 4.105 and adding Section 4.135 to establish an Independent Historic Preservation Commission, appointed by the Mayor, subject to the approval of the Board of Supervisors and meeting certain specified qualifications, with authority to recommend approval, disapproval or modification to the Board of Supervisors of landmark, and significant or contributory building designations under the Planning Code and historical property contracts under Chapter 71 of the Administrative Code without referral to the Planning Commission; recommend approval, disapproval or modification to the Board of Supervisors of historic district and conservation district designations under the Planning Code with comment by the Planning Commission; approve, disapprove, or modify certificates of appropriateness to landmarks buildings or historic districts; approve, disapprove, or modify permits for major and minor alterations to significant or contributory buildings or conservation districts; recommend a Preservation Element of the General Plan to the Planning Commission; and take such other actions on matters as may be prescribed by ordinance; and establishing appeal provisions; requiring referral of certain matters; and establishing budget, fees and staffing provisions.

Supervisor Peskin, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

Charter Amendment (Fifth Draft) to amend the Charter of the City and County of San Francisco by amending Section 4.105 and adding Section 4.135 to establish an Independent Historic Preservation Commission, appointed by the Mayor, subject to the approval of the Board of Supervisors and meeting certain specified qualifications, with authority to recommend approval, disapproval or modification to the Board of Supervisors of landmark, and significant or contributory building designations under the Planning Code and historical property contracts under Chapter 71 of the Administrative Code without referral to the Planning Commission; recommend approval, disapproval or modification to the Board of Supervisors of historic district and conservation district designations under the Planning Code with comment by the Planning Commission; approve, disapprove, or modify certificates of appropriateness to landmarks buildings or historic districts; approve, disapprove, or modify permits for major and minor alterations to significant or contributory buildings or conservation districts; recommend a Preservation Element of the General Plan to the Planning Commission; and take such other actions on matters as may be prescribed by ordinance; and establishing appeal provisions; requiring referral of certain matters; and establishing budget, fees and staffing provisions.

Supervisor Peskin, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Judith Misaruca Terracina; requested an In Memoriam for the mother of past Board of Supervisor Tony Hall
Walter; shared certain memorabilia with the Board members
Male speaker; expressed appreciation to the Board members and staff for the participation in the single sock program for veterans
Richard McGary; expressed concern with issues relating to a US patent for the design of Sigmund Stern Grove
Jose Morales; expressed concern with issues relating to evictions and senior housing
Beverly Upton; expressed appreciation for the restoration of funding for the domestic violence programs and the need to support all people of San Francisco
Roberta Toomer; expressed appreciation for the restoration of funding for the domestic violence programs and the need to support all people of San Francisco
Carol Magreeder; expressed appreciation for the legislation against smoking advertisements directed to the younger generation
Julie Waters; expressed appreciation for the legislation against smoking advertisements directed to the younger generation

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

080958 **[Commending Kamala Harris on the Bay Area Union Labor Party's 2008 Public Service Award]**
Supervisor Dufty

Resolution commending Kamala Harris on the Bay Area Union Labor Party's 2008 Public Service Award.

ADOPTED

080959 **[Commending Angelo Quaranta on the Bay Area Union Labor Party's 2008 Community Leadership Award]**
Supervisor Dufty

Resolution commending Angelo Quaranta on the Bay Area Union Labor Party's 2008 Community Leadership Award.

ADOPTED

080960 **[Commending Tim Paulson on the Bay Area Union Labor Party's 2008 Community Leadership Award]**
Supervisor Dufty

Resolution commending Tim Paulson on the Bay Area Union Labor Party's 2008 Community Leadership Award.

ADOPTED

080961 **[Commending Cheryl Johnson on the Bay Area Union Labor Party's 2008 Labor Leader of the Year Award]**
Supervisor Dufty

Resolution commending Cheryl Johnson on the Bay Area Union Labor Party's 2008 Labor Leader of the Year Award.

ADOPTED

080962 **[Accept and Expend State Grant - $47,773]**
Supervisor Dufty

Resolution authorizing the Department of the Environment (SF Environment) to accept and expend grant funds in the amount of $47,773.00 from the California Department of Food and Agriculture to eliminate a major infestation of invasive weeds in the Twin Peaks Natural Area of San Francisco.

ADOPTED

080963 **[Grant to support a drug research study - $63,210]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend a grant in the amount of $63,210 from the Public Health Foundation Enterprises (PHFE) to support the study entitled "Mirtazapine to reduce methamphetamine use among MSM with high-risk HIV behaviors project;" for the period of June 1, 2008 through May 31, 2009.

ADOPTED

080965 **[40 day extension for Planning Commission review - Planning Code Enforcement Fund]**
Supervisor Peskin

Resolution extending by 40 days the prescribed time within which the Planning Commission may render its decision on a proposed ordinance that would amend Section 10.100-166 of the Administrative Code and Section 303(l) to update enforcement provisions of the Planning Code, including fees, and making environmental findings, General Plan findings, and other required findings.

ADOPTED

080966 **[Approving Tefra Hearing for On Lok Community Housing Project]**
Supervisor Peskin

Resolution approving the issuance and sale of revenue bonds by the ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed $30,000,000 to finance and refinance the acquisition, construction, equipping and furnishing of facilities that will provide access to affordable health care and other support services for low income, frail older adults by On Lok Senior Health Services and On Lok Community Housing, Inc.

ADOPTED

080967 **[Commending Maurice Mabutas on the occasion of his 102nd birthday]**
Supervisor Sandoval

Resolution commending Maurice Mabutas on the occasion of his 102nd birthday.

ADOPTED

080968 **[60 day extension for Planning Commission review - The Metro Theatre]**
Supervisor Alioto-Pier

Resolution extending by 60 days the prescribed time within which the Planning Commission may render its decision on a proposed Resolution that would initiate the designation of The Metro Theatre, 2055 Union Street, Lot 018 in Assessor's Block 0541, as a landmark pursuant to Section 1004.1 of the Planning Code.

ADOPTED

080969 **[Creation of transgender health benefits for CalPers]**
Supervisors Ammiano, Daly

Resolution endorsing the creation of transgender health benefits for CalPers.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

Severed from the Without Reference to Committee Agenda

Supervisor Peskin requested that this matter be severed so that it might be considered separately.

080964 [Declaration of Election Results]
Supervisor Peskin

Resolution declaring the results of the June 3, 2008 Consolidated Statewide Direct Primary Election.

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

Supervisor Chu requested that this matter be severed so that it might be considered separately.

080970 [Burma Day - August 8, 2008]
Supervisor Ammiano

Resolution declaring August 8th “Burma Day” in San Francisco in honor of the 20th anniversary of the people of Burma’s 1988 popular uprising against Burma’s military regime.

Continued to July 22, 2008

Supervisor Chu, seconded by Supervisor Elsbernd, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

080957 [WSIP Agreement No. CS-913, Bay Tunnel Project Construction Management Services]

Resolution approving the selection of Jacobs Engineering; awards Water System Improvement Program-funded Agreement No. CS-913, Bay Tunnel Project Construction Management Services. (Public Utilities Commission)
7/7/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 5:34 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

Tuesday, July 22, 2008 2:00 PM

VOTES

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	**Meeting Days**
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi, Daly, Chu	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Commissioners Kim, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Ammiano, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty, Ammiano	1st and 3rd Thursday 10:00 AM

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First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll all Supervisor Ammiano was noted absent.

Supervisor Ammiano was noted present at 2:09 p.m.

There was a quorum present.

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved to approve the Board Meeting Minutes of June 10, 2008 and June 17, 2008. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

080738 **[Environmental review fees, Community fee, and related fees]**
Mayor

Ordinance amending the San Francisco Administrative Code by amending Sections 31.22 and 31.23 to increase environmental review fees 1.63 percent, to adopt a new fee for Determination of Historical Resources, and to increase fees to recover cost of producing area plans from projects in Plan Areas; adding Section 31.24 to adopt new fees for Community Plans; and making environmental findings.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080794 [Appropriating $16,864,000 to support cost overruns at San Francisco General and Laguna Honda Hospitals in the Department of Public Health for Fiscal Year 2007-2008]

Mayor

Ordinance appropriating $16,864,000, including $15,449,000 in surplus hospital revenues and $1,415,000 from a de-appropriation of General Fund savings in Health at Home, for cost overruns at San Francisco General Hospital and Laguna Honda Hospital in the Department of Public Health for Fiscal Year 2007-2008; and de-appropriating $5,801,000 of the Healthy San Francisco revenues and expenditures due to lower program participation in the Department of Public Health for Fiscal Year 2007-2008.

(Fiscal Impact.)

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080442 [Recreation and Park Department - County Fair Building & Botanical Garden Facility Rental Fees]

Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, by adding Section 12.46, to establish facility rental fees for the County Fair Building and Botanical Garden.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080739 [Chlorofluorocarbon Recovery and Recycling Fees]

Mayor

Ordinance amending Section 1412 of San Francisco Health Code Article 24 to increase fees for permitting and inspections by the Department of Health and making environmental findings.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080740 [Diesel Backup Generator Fees]

Mayor

Ordinance amending Section 2017 of Health Code Article 30 to increase fees for registration applications and regulation of diesel backup generators and add provisions for the Controller to adjust fees annually, and making environmental findings.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080741 [Hazardous Materials Fees]
Mayor

Ordinance amending Section 1176 of San Francisco Health Code Article 21 to increase fees for hazardous materials registration, storage, handling and inspections by the Department of Public Health; and making environmental findings.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080742 [Hazardous Waste Management Fees]

Ordinance amending Section 1204 of San Francisco Health Code Article 22 to increase fees for hazardous waste generators and inspections by the Department of Public Health and to provide for subsequent fee adjustments to ensure that such fees cover program costs; and making environmental findings.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080743 [Hazardous Waste Soil Analysis Fees]
Mayor

Ordinance amending Section 1237 of the San Francisco Health Code to increase fees for hazardous waste soil analysis and add provisions for the Controller to adjust annually, and making environmental findings.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080744 [License and Permit Fees]
Mayor

Ordinance amending the San Francisco Business and Tax Regulations Code by amending Sections 35, 120, 248, 249.1, 249.7, 249.11, 249.12, 249.13, 249.14, 249.16, and 249.20; and the San Francisco Health Code by amending Sections 258, 1009.54, 1927, and 3304 relating to fees for licenses, permits and inspections by the Department of Public Health.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080745 [Medical Waste Generator Registration, Permitting, Inspections And Fees]
Mayor

Ordinance amending Sections 1504 through 1509, and 1513 and 1514 of San Francisco Health Code Article 25 to increase registration and permit fees for persons who generate, store, haul and treat medical waste and for inspections by the Department of Public Health; and making environmental findings.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080746 [Risk Management Program Fees]
Mayor

Ordinance amending Section 1191 of San Francisco Health Code Article 21A to increase fees for Risk Management Plans and inspections of stationary sources by the Department of Public Health and making environmental findings.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080747 [Ambulance Permit Fees]
Mayor

Ordinance amending Section 249.8 of the San Francisco Business and Tax Regulations Code to increase annual ambulance permit fees and create a fee for initial ambulance provider permit application; and making environmental findings.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080748 [Health Inspection Fees]
Mayor

Ordinance amending San Francisco Health Code by deleting Sections 609, 609.1, 609.2, and 609.3 and adding new Sections 609, 609.1, 609.2 to impose a fee for vector control and healthy housing inspections, increase fees for reinspections, substitute the lien procedures of Article XX of Chapter 10 of the San Francisco Administrative Code for collection of reinspection fees, and add provisions for the Controller to adjust annually, and making environmental findings.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080757 [Recreation and Park Department - Conservatory of Flowers Facility Rental Fees]
Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, Section 12.34, to establish facility rental fees for the Conservatory of Flowers.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080758 **[Fees for Fire Department Services and Permits]**
Mayor

Ordinance making environmental findings and amending Sections 105.6.47, 105.6.48, 112.2, 112.3, 112.7, 112.8, 112.9, 112.10, 112.11, 112.15, 112.17, 112.18 and Tables 112-A, 112-B and 112-C of Appendix Chapter 1 of the San Francisco Fire Code to increase fees for certain Fire Department services and permits, amending Section 112.9 to add an Express Plan Review service, and adding Sections 105.6.50, 112.19, and 112.20 to Appendix Chapter 1 of the San Francisco Fire Code to establish fees for certain Fire Department services and permits, to become operative on its effective date or on July 1, 2008, whichever is later.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080759 **[Fees for Fire Department Emergency Medical Services]**
Mayor

Ordinance making environmental findings and amending Section 128.1 of the San Francisco Health Code to increase fees for certain Fire Department emergency medical services, to eliminate the fee for supplemental supplies, and to modify the language regarding fee changes in subsequent years.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080761 **[Patient Rates]**
Mayor

Ordinance amending Section 128 of the San Francisco Health Code to set patient rates and other services provided by the Department of Public Health, effective July 1, 2008.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080708 **[Recorder's fee for Social Security Number Truncation Program - $1.00]**
Supervisor Peskin

Ordinance amending Chapter 8 of the San Francisco Administrative Code by adding Section 8.24.7, to authorize an additional $1.00 recording fee to fund the Social Security number truncation program, and making environmental findings. (Assessor-Recorder)

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Land Use and Economic Development Committee

071009 [Construction Dust Control]
Supervisors Maxwell, Peskin, Ammiano, Dufty, Mirkarimi

Ordinance amending the San Francisco Building Code by adding Section 106.3.2.6 to require that all site preparation work, demolition, or other construction activities within the City and County of San Francisco that have the potential to create dust or will expose or disturb more than 10 cubic yards or 500 square feet of soil must comply with specified dust control measures whether or not the activity requires a permit from the Department of Building Inspection, with provision for waiver by the Director for activities on sites less than one half acre that are unlikely to result in any visible windblown dust; amending the San Francisco Health Code by adding Article 22B to require, for projects over one half acre, that the project sponsor obtain approval of a dust control plan from the Director of Public Health unless the Director waives these requirements or the project qualifies for an interior only tenant improvement project exemption, and enacting fees to defray the costs of implementation; adopting environmental and general findings.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080850 [Zoning - 901 Bush Street Special Use District]
Supervisor Peskin

Ordinance amending the San Francisco Planning Code by adding Section 249.36 and amending Sheet SU01 of the Zoning Map of the City and County of San Francisco to establish the 901 Bush Street Special Use District in the area generally bounded by Bush Street to the north, Taylor Street to the East, and Assessor's Block 0282 Lots 017 and 022 to the west and south, respectively; and adopting environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1(b).

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

Appointment of President Pro Tempore

At the request of the President, Supervisor Dufty, assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

080725 [Consolidated Budget and Annual Appropriation Ordinance, Fiscal Year 2008-2009 and for the Municipal Transportation Agency, Fiscal Years 2008-2009 and 2009-2010]
Mayor

Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year ending June 30, 2009 and for the Municipal Transportation Agency fiscal years ending June 30, 2009 and June 30, 2010.

(Supervisor Daly dissented in committee.)
(Fiscal Impact.)

Supervisor McGoldrick, seconded by Supervisor Maxwell, moved to amend by deleting $170,000 from the Juvenile Probation Department to fund two positions in the Board of Supervisors Office of Legislative Analyst.

Motion to amend passed by the following vote:
Ayes: 6 - Alioto-Pier, Ammiano, Daly, Maxwell, McGoldrick, Sandoval
Noes: 5 - Chu, Dufty, Elsbernd, Mirkarimi, Peskin

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved to place on a Budget and Finance Committee reserve of $1,000,000 for the therapeutic foster care program.
Motion to amend passed by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, McGoldrick, Mirkarimi, Peskin
Noes: 1- Maxwell

Supervisor Ammiano, seconded by Supervisor McGoldrick, moved to amend by increasing $58,500 the Office of Labor Standards Enforcement for a 9910 position by decreasing $10,500 from the LGBT Planning; decreasing $23,000 from City Administrator, Immigrant Rights and $25,000 from carry forward funds from the Office of Labor Standards Enforcement.
Motion to amend passed without objection.

Supervisor Ammiano, seconded by Supervisor Dufty, moved to amend by increasing the Bernal Preschool by $152,432 by decreasing the LBGT Planning within the Economic and Work force budget.
Motion to amend passed without objection.

Supervisor Ammiano, seconded by Supervisor Daly, moved to restore $5,000,000 for Public Campaign Financing.
Motion to amend failed by the following vote:
Ayes: 3 - Ammiano, Daly, Mirkarimi
Noes: 8 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin, Sandoval

Supervisor Mirkarimi, seconded by Supervisor Peskin, moved to amend to restore $2,000,000 for Public Campaign Financing.
Motion to amend failed by the following vote:
Ayes: 4 - Ammiano, Daly, Mirkarimi, Peskin
Noes: 7- Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Sandoval

Supervisor Ammiano, seconded by Supervisor McGoldrick, moved to amend by deleting $100,000 for International Arts Festival from the Arts Commission to the Entertainment Commission.
Motion to amend passed by the following vote:
Ayes: 7 - Ammiano, Daly, Dufty, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Chu, Elsbernd, Maxwell

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved to amend the SF Police Department Department budget by delaying Police Academy classes to restore $315,000 to the general fund.
Motion to amend passed without objection.

Supervisor Sandoval, seconded by Dufty, moved to amend by deleting one 2430 Medical Evaluation Assistant position and creating one Senior Electrocardiograph Technician position at San Francisco General Hospital salary savings of $14,800.
Motion to amend passed without objection.

Supervisor Daly moved to severe the Municipal Transportation Agency budget from the Consolidated Budget and Annual Appropriation Ordinance and Annual Salary Ordinance and consider this matter separately. (See File Nos. 081040 and 081041)
Passed on first reading by the following vote:
Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Maxwell, McGoldrick, Sandoval
Noes: 5 - Ammiano, Chu, Daly, Mirkarimi, Peskin

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved to amend by restoring the two Deputy Chief positions in the SFPD at the Municipal Transportation Agency and at the Public Utilities Commission.
Motion to amend failed by the following vote:
Ayes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell
Noes: 6 - Ammiano, Daly, McGoldrick ,Mirkarimi, Peskin, Sandoval

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to amend the Annual Appropriation provisions regarding backfills.
Motion to amend passed without objection.

Supervisor Mirkarimi, seconded by Supervisor Ammiano, moved to amend to restore $25,000 to Department of Aging and Adult Services from the general fund reserve.
Ayes: 4- Ammiano, Daly, Mirkarimi, Sandoval
Noes: 6 - Alioto-Pier, Chu, Elsbernd, Maxwell, McGoldrick, Peskin
Absent : 1- Dufty

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to restore $232,000 to DCYF for Child Care Services from the general fund reserve.
Motion to amend failed by the following vote:
Ayes: 4 - Ammiano, Daly, Mirkarimi, Sandoval
Noes: 7 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved to amend to place $2,760,000 DCYF Growth Children Fund on a full Board of Supervisors reserve.
Motion to amend passed by the following vote:
Ayes: 6- Ammiano, Daly, Dufty, Maxwell, Mirkarimi,Sandoval
Noes: 5- Alioto-Pier, Chu, Elsbernd, McGoldrick, Peskin

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved to rescind the previous vote:
Motion to rescind the previous vote passed by the following vote:
Ayes: 7 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin
Noes: 4 - Ammiano, Daly, Mirkarimi, Sandoval

Supervisor Maxwell withdrew her motion to amend the previous matter.

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved to amend to restore the two Deputy Chief positions in the SFPD at the Municipal Transportation Agency and at the Public Utilities Commission.
Motion to amend passed by the following vote:
Ayes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, Sandoval
Noes: 4 - Ammiano, McGoldrick, Mirkarimi, Peskin
Absent: 1- Daly

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to rescind the vote on the budget.
Motion to rescind the budget vote passed without objection.

Supervisor Dufty, seconded by Supervisor Maxwell, moved to restore the Budget to the original version that was recommended from the Budget and Finance Committee relating to the two Deputy Chief positions within the SF Police Department.

Supervisor Elsbernd, seconded Supervisor Alioto-Pier, moved to amend to accept and expend grant of $984,000 from the US Department of Justice for the Community Justice Center.
Motion was passed without objection.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

080726 [Annual Salary Ordinance, Fiscal Year 2008-2009 and for the Municipal Transportation Agency Fiscal Years 2008-2009 and 2009-2010]

Mayor

Consolidated Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2009 and for the Municipal Transportation Agency, fiscal Years ending June 30, 2009 and June 30, 2010, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

(Supervisor Daly dissented in committee.)
(Fiscal Impact.)

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

080728 [Redevelopment Agency Budget 2008-2009]

Mayor

Resolution approving the Budget of the Redevelopment Agency of the City and County of San Francisco for fiscal year 2008-2009.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080730 **[Treasure Island Development Authority Budget 2008-2009]**
Mayor

Resolution approving the Budget of the Treasure Island Development Authority for fiscal year 2008-2009.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080828 **[Public Education Enrichment Fund - First Five Commission]**
Supervisors McGoldrick, Ammiano

Resolution approving the San Francisco First Five Commission expenditure plan for the Public Education Enrichment Fund for Fiscal Year 2008-09.

Supervisor Ammiano requested to be added as a co-sponsor.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080829 **[Public Education Enrichment Fund - Unified School District Fiscal Year 2008-2009]**
Supervisors McGoldrick, Ammiano

Resolution approving the San Francisco Unified School District expenditure plan for the Public Education Enrichment Fund for Fiscal Year 2008-2009.

Supervisor Ammiano requested to be added as a co-sponsor.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080922 **[Redevelopment Agency Bond 2008-2009]**
Resolution approving the Issuance by the Redevelopment Agency of Bonds in an aggregate principal amount of not to exceed $202,824,283 to finance a portion of redevelopment activities described in such approved Budget for fiscal year 2008-2009.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080749 **[San Francisco Public Library - Fees]**
Mayor

Ordinance making environmental findings and amending the San Francisco Administrative Code by amending Section 8.21-2 to adjust existing Library fees and authorize the Library to collect fees for scanning services, special meeting room services, and lost and damaged interlibrary loan materials.

(Supervisors Daly and Mirkarimi dissented in committee.)

FINALLY PASSED by the following vote:
Ayes: 7 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin
Noes: 4 - Ammiano, Daly, Mirkarimi, Sandoval

080750 **[Recreation and Park Department - Athletic Fields Fees]**
Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, by amending Section 12.36 to increase the application fee for certification as a non-profit.

FINALLY PASSED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Daly, Sandoval

080751 **[Recreation and Park Department - Aquatic Facilities Fees]**
Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, by amending Section 12.40 to increase the fees at the Aquatic facilities.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Sandoval

080752 **[Recreation and Park Department - Facility Rental Fees]**
Mayor

Ordinance making environmental findings and adding San Francisco Park Code Section 12.47 to establish rental fees for the use of the Randall Museum and the Harvey Milk Performing Arts Center.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Sandoval

080753 **[Recreation and Park Department - Reservation Administrative Fees]**
Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, by amending Section 12.45 to establish an athletic field re-scheduling fee.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Sandoval

080754 **[Recreation and Park Department - Coit Tower Fees]**
Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, by amending Section 12.06 to increase the fees at Coit Tower.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 1 - Peskin

080755 **[Recreation and Park Department - Japanese Tea Garden Fees]**
Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, by amending Section 12.05 to increase the fees at the Japanese Tea Garden.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 1 - Peskin

080756 **[Recreation and Park Department - Athletic League Fees]**
Mayor

Ordinance making environmental findings and adding San Francisco Park Code Section 12.48 to establish fees for the use of Recreation and Park facilities by athletic leagues.

FINALLY PASSED by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Daly
Absent: 2 - Dufty, Sandoval

080765 **[Regulation of Newsracks: Increasing Fixed Pedestal Permit Fee]**
Mayor

Ordinance amending Section 184.12 of the San Francisco Public Works Code to provide that the annual fee for a fixed pedestal permit shall be $60.

(Supervisors Daly and Mirkarimi dissented in committee.)

FINALLY PASSED by the following vote:
Ayes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick
Noes: 5 - Ammiano, Daly, Mirkarimi, Peskin, Sandoval

080766 **[De-appropriating $2,500,000 of Hotel Room Tax from the Low Income Housing Program and Re-appropriating $2,500,000 to the General Fund for Fiscal Year 2007-2008]**
Mayor

Ordinance de-appropriating $2,500,000 of Hotel Room Tax from the Low Income Housing Program and re-appropriating $2,500,000 to the General Fund in the Mayor's Office for Fiscal Year 2007-2008.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Ammiano

080737 **[Planning Department Fee Adjustment]**
Mayor, Supervisor Elsbernd

Ordinance amending the San Francisco Planning Code by amending Article 3.5 to adjust fees for Planning Department services; and making Section 302 and environmental findings.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080793 **[Retroactively appropriating $5,698,066 of revenue and General Fund Reserve for a new voting system and election services in the Department of Elections for Fiscal Year 2007-2008]**
Mayor

Ordinance retroactively appropriating $3,544,110 of State Proposition 41 grant revenue, $898,965 of settlement revenue, $210,664 of revenue from candidate filing fees and other general government charges, and $1,044,327 of General Fund Reserve, for a total appropriation of $5,698,066, for a new voting system and election services in the Department of Elections for Fiscal Year 2007-2008.

(Fiscal Impact.)

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

From the Government Audit and Oversight Committee Without Recommendation

080663 **[SFGH Trauma Center General Obligation Bond Election - $887,400,000]**
Mayor, Supervisors Ammiano, Maxwell, Alioto-Pier, Chu, Daly, Dufty, McGoldrick, Mirkarimi, Sandoval, Peskin, Elsbernd

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, November 4th 2008, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: $887,400,000 for the building and/or rebuilding and improving of the earthquake safety of the San Francisco General Hospital and Trauma Center and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; adopting findings under the California Environmental Quality Act, ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations; finding that the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with the restrictions on the use of bond proceeds specified in Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 – 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

(Fiscal Impact.)

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Rules Committee

080647 [Commission on the Environment]
Supervisor Mirkarimi

Charter Amendment (Fourth Draft) to amend the Charter of the City and County of San Francisco by amending Section 4.118, to clarify the authority of the Commission on the Environment to consider and make recommendations regarding environmental justice issues, to authorize the Commission to review and make recommendations regarding City building and land use policies for environmental sustainability, to authorize the Commission to assist City representatives to regional bodies, and to update the list of operations and functions that the Commission shall investigate and make recommendations regarding.

NOT ORDERED SUBMITTED by the following vote:
Ayes: 5 - Alioto-Pier, Ammiano, Daly, Dufty, Mirkarimi
Noes: 6 - Chu, Elsbernd, Maxwell, McGoldrick, Peskin, Sandoval

080648 [San Francisco Clean Energy Act]
Supervisors Mirkarimi, Ammiano, Dufty, Maxwell

Charter Amendment (Fourth Draft) to amend the Charter of the City and County by amending Sections 8B.120, 8B.123, and 9.107, and adding Sections 8B.128 through 8B.131, to: (i) address the crisis of global climate change by moving San Francisco from fossil fuels to clean, sustainable energy production, (ii) ensure environmentally sustainable and affordable electric supplies for residents, businesses, and City departments, (iii) require the Public Utilities Commission to determine the most effective means of providing clean, sustainable, reliable and reasonably-priced electric service to San Francisco residents, businesses and City departments, and (iv) establish an Independent Ratepayer Advocate to represent the interests of San Franciscans that purchase utility services from the City by evaluating and making recommendations on utility rate proposals prepared by the San Francisco Public Utilities Commission under Charter section 8B.125.

Supervisors Dufty and Maxwell requested to be added as co-sponsors.
ORDERED SUBMITTED by the following vote:
Ayes: 7 - Ammiano, Daly, Dufty, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Chu, Elsbernd, McGoldrick

080649 [Promoting and Sustaining Music and Culture in San Francisco]
Supervisors Mirkarimi, Ammiano, Sandoval, Dufty

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by adding Section 16.128, which is designed to promote music and culture in San Francisco by establishing a music and culture sustainability policy implementing those principles in part through a process for reviewing and possibly revising City Codes, and incorporating those principles into the General Plan of the City and County; and amending Section 4.106 to provide that the Board of Appeals shall have jurisdiction to hear appeals of denials of entertainment-related permits and events under the jurisdiction of the Recreation and Park Commission.

NOT ORDERED SUBMITTED by the following vote:
Ayes: 5 - Ammiano, Daly, Dufty, Mirkarimi, Sandoval
Noes: 6 - Alioto-Pier, Chu, Elsbernd, Maxwell, McGoldrick, Peskin

080639 [Retirement system credit for unpaid parental leave]
Supervisors Alioto-Pier, Daly, Dufty, Ammiano, Mirkarimi, Sandoval

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by: adding Sections A8.523 through A8.523-7, to allow retirement system credit for eligible members who have taken unpaid parental leave while employed with the City and County; amending Sections A8.509, A8.559-10, A8.585-10, A8.586-10, A8.587-7, A8.588-10, A8.595-10, A8.596-10, A8.597-10, and A8.598-10, relating to computation of service credit for a period of unpaid parental leave; and amending Sections A8.509, A8.559-11, A8.585-11, A8.586-11, A8.587-8, A8.588-11, A8.595-11, A8.596-11, A8.597-11, and A8.598-11, relating to the source of funds for eligible members who elect to purchase service credit for a period of unpaid parental leave.

Supervisor Sandoval requested to be added as a co-sponsor.
ORDERED SUBMITTED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 2 - Elsbernd, Peskin

080643 [City Elections In Even-Numbered Years]
Supervisor McGoldrick

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Sections 2.101 and 13.101 and Article XVII to change the election cycle for the offices of Mayor, Sheriff, District Attorney, City Attorney and Treasurer so that these offices will be elected in even-numbered years; and to amend the definition of general municipal election so that such elections occur only in even-numbered years.

ORDERED SUBMITTED by the following vote:
Ayes: 6 - Daly, Dufty, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 5 - Alioto-Pier, Ammiano, Chu, Elsbernd, Mirkarimi

From the Rules Committee Without Recommendation

080619 [Providing for appointment rather than election of the City Treasurer]
Supervisor McGoldrick

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by adding Section 3.106, amending Sections 6.100, 13.101, 13.101.5, 13.102, and 14.103, and repealing Section 6.106, to provide for appointment rather than election of the City Treasurer, and set qualifications for the office of Treasurer.

NOT ORDERED SUBMITTED by the following vote:
Ayes: 5 - Alioto-Pier, Dufty, Maxwell, McGoldrick, Peskin
Noes: 6 - Ammiano, Chu, Daly, Elsbernd, Mirkarimi, Sandoval

080851 **[Appointment of the City Treasurer; City Elections in Even-numbered Years]**
Supervisor McGoldrick

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by (1) adding Section 3.106, amending Sections 6.100, 13.101, 13.101.5, 13.102, and 14.103, and repealing Section 6.106, to provide for appointment rather than election of the City Treasurer, set qualifications for the Office of Treasurer, and setting an operative date; and, (2) amending Sections 2.101, 13.101 and Article XVII to: change the election cycle for the offices of Mayor, Sheriff, District Attorney, and City Attorney so that these offices will be elected in even-numbered years; amend the definition of general municipal election so that such elections occur only in even-numbered years; and, clarify the operation of term limits for members of the Board of Supervisors.

Supervisor McGoldrick, seconded by Supervisor Dufty, moved that this Charter Amendment be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Board of Supervisors Sitting as a Committee of the Whole

The President of the Board inquired as to whether any member of the public wished to address the Board members.
There were none.
The President declared the public hearing closed.

080641 **[Pier 70 plan and lease approvals; General Fund financing for Pier 70 waterfront improvements; transfer of funds according to agreements between the Port Commission and other departments; priorities for use of Port funds]**
Supervisors Maxwell, Alioto-Pier, Ammiano, Dufty

Charter Amendment (Fourth Draft) to amend the Charter of the City and County of San Francisco by adding Sections B7.310 and B7.320, and amending Section B6.406, to: authorize the Board of Supervisors to approve a Pier 70 financial and land use plan; authorize a mechanism for the City to appropriate General Fund revenues in an amount up to 75% of the projected hotel and payroll taxes attributable to new development at Pier 70 to finance waterfront improvements; waive Board approval of leases consistent with the approved Pier 70 plan; require the City to appropriate funds for certain Board-approved agreements between City departments and the Port Commission; and, updating the priorities for use of Port revenues.

ORDERED SUBMITTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080650 [Creating an Historic Preservation Commission]
Supervisors Peskin, Ammiano

Charter Amendment (Fifth Draft) to amend the Charter of the City and County of San Francisco by amending Section 4.105 and adding Section 4.135 to establish an Independent Historic Preservation Commission, appointed by the Mayor, subject to the approval of the Board of Supervisors and meeting certain specified qualifications, with authority to recommend approval, disapproval or modification to the Board of Supervisors of landmark, and significant or contributory building designations under the Planning Code and historical property contracts under Chapter 71 of the Administrative Code without referral to the Planning Commission; recommend approval, disapproval or modification to the Board of Supervisors of historic district and conservation district designations under the Planning Code with comment by the Planning Commission; approve, disapprove, or modify certificates of appropriateness to landmarks buildings or historic districts; approve, disapprove, or modify permits for major and minor alterations to significant or contributory buildings or conservation districts; recommend a Preservation Element of the General Plan to the Planning Commission; and take such other actions on matters as may be prescribed by ordinance; and establishing appeal provisions; requiring referral of certain matters; and establishing budget, fees and staffing provisions.

Supervisor Peskin, seconded by Supervisor Ammiano, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Continued to July 29, 2008 with the Board Sitting as a Committee of the Whole

Supervisor Peskin, seconded by Supervisor Ammiano, moved that this Charter Amendment be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Government and Audit Oversight Committee

080800 [MOU, Amendment No. 1 - San Francisco Fire Fighters Union, Local 798 (Unit 1)]
Mayor

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 1) by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

Supervisor Chu was previously excused from voting on this matter.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Chu

080801 [MOU, Amendment No. 1 - San Francisco Fire Fighters Union, Local 798 (Unit 2)]
Mayor

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 2) by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

Supervisor Chu was previously excused from voting on this matter.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Chu

NEW BUSINESS

Recommendations of the Budget and Finance Committee

080880 [Recreation and Park Department - Event Fees]
Supervisor McGoldrick

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, Section 12.22 to amend the fees for use of the parks for events.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Sandoval

080887 [SFPD MOU for Loan of FBI Vehicles]
Mayor

Ordinance approving a memorandum of understanding between the City and County of San Francisco and the Federal Bureau of Investigations (FBI) for the loan of two Chevrolet Suburban vehicles from the FBI for use in San Francisco Police Department Tactical Company, and waiving the indemnification requirements of the San Francisco Administrative Code Chapter section 4.18 for this agreement, and approving the City indemnifying and holding the FBI harmless against claims arising from the activities of the City under the MOU.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080875 [Accept-Expend State Grant, Port Commission - $3,117,512]
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Port Commission to accept and expend a grant in the amount of $3,117,512 from the California Office of Homeland Security for security enhancements at the Port of San Francisco.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080955 **[2007-2010 Children's Services Allocation Plan]**
Mayor

Resolution approving an amendment to the Children's Services Allocation Plan for the Children's Fund in accordance with Section 16.108 of the San Francisco Charter.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Budget and Finance Committee Without Recommendation

080881 **[Recreation and Park Department - Athletic Field Fees]**
Supervisor McGoldrick

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, Section 12.36 to amend the Athletic Field Fees.

NOT PASSED ON FIRST READING by the following vote:
Ayes: 5 - Alioto-Pier, Dufty, Maxwell, McGoldrick, Peskin
Noes: 6 - Ammiano, Chu, Daly, Elsbernd, Mirkarimi, Sandoval

Recommendations of the Government Audit and Oversight Committee

080849 **[PG&E SmartMeter Upgrade Proposal]**
Supervisors Peskin, Dufty, Ammiano, Maxwell, Mirkarimi, Daly, McGoldrick, Sandoval

Ordinance directing the Department of the Environment to conduct a Cost and Climate Review of PG&E's request to the California Public Utilities Commission to spend $877 million on a SmartMeter upgrade program; and directing the City Attorney, in consultation with the Department of the Environment and Public Utilities Commission, to participate in the CPUC review of PG&E's request; and establishing the City's policy to oppose PG&E's request if the Cost and Climate Review concludes that PG&E's SmartMeter upgrade proposal is not cost effective or that alternative technologies that offer greater benefits should be investigated.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080954 **[Planning Code-Amending Article 11 Designation of 690 Market Street]**
Supervisor Peskin

Ordinance amending the designation of 690 Market Street from "Unrated—Category V" to "Significant—Category II" under Planning Code Article 11; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings.

Supervisor Alioto-Pier, seconded by Supervisor Ammiano, moved that this Ordinance be RE-REFERRED to the Government Audit and Oversight Committee. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Land Use and Economic Development Committee

080063 [Green Building Requirements]
Mayor, Supervisors Peskin, Sandoval, Maxwell, Ammiano

Ordinance amending the San Francisco Building Code by adding Chapter 13C to impose green building requirements on (1) newly constructed Group R occupancy residential buildings, (2) newly constructed commercial buildings of Group B or M occupancies that are 5,000 gross square feet or more, (3) existing first-time build-outs of commercial interiors that are 25,000 gross square feet or more in area buildings of Group B or M occupancies, and (4) major alterations that are 25,000 gross square feet or more in existing buildings of Group B, M, or R occupancies, where interior finishes are removed and significant upgrades to structural and mechanical, electrical and/or plumbing systems are proposed; exempting (1) City projects, which are subject to Chapter 7 of the San Francisco Environment Code,(2) any new building in which laboratory use of any occupancy classification is the primary use, and (3) any building undergoing renovation in which the area of renovation will be primarily for laboratory use of any occupancy classification, and to authorize the Director of Building Inspection to grant an exemption from some of the requirements on the grounds of hardship or infeasibility and require the Director to grant an exemption if compliance would compromise the historical integrity of an historic structure; imposing additional requirements on demolitions and credits for the reuse of historic structures; providing that the requirements become operative 90 days after adoption if the California Energy Commission has approved it by that time; adopting findings, including environmental findings, and findings required by California Health and Safety Code Section 17958.5, and California Energy Code findings; and directing the Clerk of the Board of Supervisors to forward this ordinance to the California Building Standards Commission upon final passage.

Supervisor Ammiano requested to be added as a co-sponsor.

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Ordinance amending the San Francisco Building Code by adding Chapter 13C to impose green building requirements on (1) newly constructed Group R occupancy residential buildings, (2) newly constructed commercial buildings of Group B or M occupancies that are 5,000 gross square feet or more, (3) existing first-time build-outs of commercial interiors that are 25,000 gross square feet or more in area buildings of Group B or M occupancies, and (4) major alterations that are 25,000 gross square feet or more in existing buildings of Group B, M, or R occupancies, where interior finishes are removed and significant upgrades to structural and mechanical, electrical and/or plumbing systems are proposed; exempting (1) City projects, which are subject to Chapter 7 of the San Francisco Environment Code, (2) any new building in which laboratory use of any occupancy classification is the primary use, and (3) any building undergoing renovation in which the area of renovation will be primarily for laboratory use of any occupancy classification, and to authorize the Director of Building Inspection to grant an exemption from some of the requirements on the grounds of hardship or infeasibility and require the Director to grant an exemption if compliance would compromise the historical integrity of an historic structure; imposing additional requirements on demolitions and credits for the reuse of historic structures; providing that the requirements become operative 90 days after adoption if the California Energy Commission has approved it by that time; adopting findings, including environmental findings, and findings required by California Health and Safety Code Section 17958.5, and California Energy Code findings; and directing the Clerk of the Board of Supervisors to forward this ordinance to the California Building Standards Commission upon final passage.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Ordinance amending the San Francisco Building Code by adding Chapter 13C to impose green building requirements on (1) newly constructed Group R occupancy residential buildings, (2) newly constructed commercial buildings of Group B or M occupancies that are 5,000 gross square feet or more, (3) existing first-time build-outs of commercial interiors that are 25,000 gross square feet or more in area buildings of Group B or M occupancies, and (4) major alterations that are 25,000 gross square feet or more in existing buildings of Group B, M, or R occupancies, where interior finishes are removed and significant upgrades to structural and mechanical, electrical and/or plumbing systems are proposed; exempting (1) City projects, which are subject to Chapter 7 of the San Francisco Environment Code,(2) any new building in which laboratory use of any occupancy classification is the primary use, and (3) any building undergoing renovation in which the area of renovation will be primarily for laboratory use of any occupancy classification, and to authorize the Director of Building Inspection to grant an exemption from some of the requirements on the grounds of hardship or infeasibility and require the Director to grant an exemption if compliance would compromise the historical integrity of an historic structure; imposing additional requirements on demolitions and credits for the reuse of historic structures; providing that the requirements become operative 90 days after adoption if the California Energy Commission has approved it by that time; adopting findings, including environmental findings, and findings required by California Health and Safety Code Section 17958.5, and California Energy Code findings; and directing the Clerk of the Board of Supervisors to forward this ordinance to the California Building Standards Commission upon final passage.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080407 [Subdivision Code - definition of conversion]

Supervisor Peskin

Ordinance amending the San Francisco Subdivision Code Section 1308 to modify the definition of conversion to include specified air space subdivisions of existing residential structures; and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080947 [Changing the official sidewalk width - Jessie Street east of 10th Street]

Supervisor Daly

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1579 to change the official sidewalk width on Jessie Street east of 10th Street; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change; and approving public sidewalk easements along the southerly side of Jessie Street.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Maxwell, introduced, welcomed and presented Certificates of Honor to Dr, Marilyn N. Metz, MD, Dr. Mark Galley and Dr. Justin Morgan in recognition of their efforts in providing medical assistance to the citizens in Bayview Hunters Point area.

Ordinance amending the San Francisco Building Code by adding Chapter 13C to impose green building requirements on (1) newly constructed Group R occupancy residential buildings, (2) newly constructed commercial buildings of Group B or M occupancies that are 5,000 gross square feet or more, (3) existing first-time build-outs of commercial interiors that are 25,000 gross square feet or more in area buildings of Group B or M occupancies, and (4) major alterations that are 25,000 gross square feet or more in existing buildings of Group B, M, or R occupancies, where interior finishes are removed and significant upgrades to structural and mechanical, electrical and/or plumbing systems are proposed; exempting (1) City projects, which are subject to Chapter 7 of the San Francisco Environment Code,(2) any new building in which laboratory use of any occupancy classification is the primary use, and (3) any building undergoing renovation in which the area of renovation will be primarily for laboratory use of any occupancy classification, and to authorize the Director of Building Inspection to grant an exemption from some of the requirements on the grounds of hardship or infeasibility and require the Director to grant an exemption if compliance would compromise the historical integrity of an historic structure; imposing additional requirements on demolitions and credits for the reuse of historic structures; providing that the requirements become operative 90 days after adoption if the California Energy Commission has approved it by that time; adopting findings, including environmental findings, and findings required by California Health and Safety Code Section 17958.5, and California Energy Code findings; and directing the Clerk of the Board of Supervisors to forward this ordinance to the California Building Standards Commission upon final passage.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080407 [Subdivision Code - definition of conversion]
Supervisor Peskin

Ordinance amending the San Francisco Subdivision Code Section 1308 to modify the definition of conversion to include specified air space subdivisions of existing residential structures; and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080947 [Changing the official sidewalk width - Jessie Street east of 10th Street]
Supervisor Daly

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1579 to change the official sidewalk width on Jessie Street east of 10th Street; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change; and approving public sidewalk easements along the southerly side of Jessie Street.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Maxwell, introduced, welcomed and presented Certificates of Honor to Dr, Marilyn N. Metz, MD, Dr. Mark Galley and Dr. Justin Morgan in recognition of their efforts in providing medical assistance to the citizens in Bayview Hunters Point area.

COMMITTEE REPORTS

Supervisor Sandoval was previously excused from voting on this matter.

081011 [Appropriating $498,145 of FY 2007-2008 General Fund Reserve to the Mayor's Office of Criminal Justice for the Community Justice Center for FY 2008-2009]
Supervisors McGoldrick, Elsbernd, Peskin

Ordinance appropriating $498,145 of Fiscal Year 2007-2008 General Fund Reserve to the Mayor's Office of Criminal Justice to fund a Community Justice Center in Fiscal Year 2008-2009.

(Supervisor Daly dissented in committee.)
(Fiscal Impact.)

Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved an amendment of the whole.

Supervisor Daly, seconded Supervisor Ammiano, moved an amendment of the whole.
Motion to amend failed by the following vote.
Ayes: 5 - Ammiano, Daly, Dufty, Mirkarimi, Peskin
Noes: 5 - Alioto-Pier, Chu, Elsbernd, Maxwell, McGoldrick,
Excused: 1 - Sandoval

Supervisor McGoldrick withdrew his previous motion to amend this matter.

Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved that this Ordinance be PASSED ON FIRST READING. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin
Noes: 3 - Ammiano, Daly, Mirkarimi
Excused: 1 - Sandoval

081013 [Economic Impact Analysis of Proposed Daytime Street Closure]
Supervisors Peskin, Elsbernd, Alioto-Pier

Resolution directing the Office of Economic Analysis and the Office of Small Business to conduct an analysis of the economic impact of the proposed "Sunday Streets" street closure planned for August 31st and September 14th on local businesses and requesting the City postpone any street closure until such analysis is completed.

Supervisor Dufty, seconded by Supervisor Ammiano, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 6 - Ammiano, Chu, Dufty, Maxwell, Mirkarimi, Sandoval
Noes: 5 - Alioto-Pier, Daly, Elsbernd, McGoldrick, Peskin

Supervisor Sandoval, seconded by Supervisor McGoldrick, moved to rescind the previous vote.
Motion to rescind the previous vote passed without objection.

NOT AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE by the following vote:

Ayes: 5 - Ammiano, Chu, Dufty, Maxwell, Mirkarimi
Noes: 6 - Alioto-Pier, Daly, Elsbernd, McGoldrick, Peskin, Sandoval

NOT ADOPTED by the following vote:
Ayes: 5 - Alioto-Pier, Elsbernd, McGoldrick, Peskin, Sandoval
Noes: 6 - Ammiano, Chu, Daly, Dufty, Maxwell, Mirkarimi

Supervisor Sandoval, seconded by Supervisor Maxwell, moved to rescind the previous vote and continue this matter to continue to August 5, 2008

Supervisor Sandoval, seconded by Supervisor Maxwell, moved that this Resolution be CONTINUED. The motion carried by the following vote:
Ayes: 7 - Alioto-Pier, Daly, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 4 - Ammiano, Chu, Dufty, Maxwell

080792 **[Replacing the Emergency Response Fee, with a general tax at the same rates and with the same exemptions and modernizing the Telephone Users Tax without changing the rate or exemptions.]**

Mayor, Supervisors Peskin, Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Sandoval

Ordinance submitting to the voters an ordinance amending the Business and Tax Regulations Code by: (1) adding Article 10B, Sections 780-786, to replace the current Emergency Response Fee with a general tax at the same rates and with the same exemptions; (2) repealing Article 10A, Sections 750-770, to eliminate the existing Emergency Response Fee; (3) amending Article 10 by adding Sections 721, 722, and 723, amending Sections 701, 703, 707.1, and 708, and repealing Sections 702 and 707.3, all to modernize and update the Telephone Users Tax without changing the tax rate or exemptions; and (4) amending Article 6, Section 6.1-1, to make conforming changes; and ratifying past collection of the Telephone Users Tax and the Emergency Response Fee.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080832 **[Real Property Transfer Tax]**

Supervisors Peskin, Dufty

Ordinance submitting to the voters an ordinance amending the Business and Tax Regulations Code by: (1) amending Section 1102 to increase the Real Property Transfer Tax rate from 0.75% to 1.5% if the consideration for or value of the transfer exceeds $5 million; (2) amending Section 1105 to reduce the tax on transfers of residential property by up to one third (1/3) if, after January 1, 2009, the transferor has installed an active solar system or made seismic retrofitting improvements or improvements utilizing earthquake hazard mitigation technologies; (3) amending Section 1114 to clarify application of tax to transfers of ownership interests in legal entities that own real estate; and (4) amending Section 1108.3 to apply transfer tax to transfers of 35 year or longer leasehold interests.

(Economic Impact)

Supervisor Dufty requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Chu

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved to rescind the previous vote:
The motion failed by the following vote:
Ayes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, McGoldrick
Noes: 5 - Ammiano, Daly, Maxwell, Mirkarimi, Peskin, Sandoval

Supervisor Alioto-Pier was Excused from Voting

Supervisor Elsbernd, seconded by Supervisor Chu, moved Supervisor Alioto-Pier was excused, at her request, due to a possible conflict of interest. The motion carried by the following vote:

Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

081030 [Payroll Expense Tax]
Supervisors Peskin, Dufty

Ordinance submitting to the voters an ordinance amending the Business and Tax Regulations Code by (1) amending Section 902.1 and adding Section 902.2 to clarify the tax liability of "pass through entities" under the Payroll Expense Tax Ordinance, including partnerships, Subchapter S corporations, limited liability companies, limited liability partnerships and other persons or entities not subject to federal income tax or which are allowed a deduction in computing such tax for distributions to the owners or beneficiaries of such persons or entities and specifying safe harbor measure of taxable payroll expense for owners of pass through entity (200% of compensation for its most highly paid quartile of employees); and (2) amending Section 905-A to increase the Small Business Tax Exemption to include all taxpayers whose taxable payroll expense is $250,000 or less.

Supervisor Dufty requested to be added as a co-sponsor.

Supervisor Peskin, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Ordinance submitting to the voters an ordinance amending the Business and Tax Regulations Code by (1) amending Section 902.1 and adding Section 902.2 to clarify the tax liability of "pass through entities" under the Payroll Expense Tax Ordinance, including partnerships, Subchapter S corporations, limited liability companies, limited liability partnerships and other persons or entities not subject to federal income tax or which are allowed a deduction in computing such tax for distributions to the owners or beneficiaries of such persons or entities and specifying safe harbor measure of taxable payroll expense for owners of pass through entity (200% of compensation for its most highly paid quartile of employees, provided entity has at least 4 employees); and (2) amending Section 905-A to increase the Small Business Tax Exemption to include all taxpayers whose taxable payroll expense is $250,000 or less.

July 29, 2008 the Board will sit as a Committee of the Whole to consider this matter passed on first reading as amended.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed concern with general issues
Jmaes Chaffee; expressed concern with issues relating to the SF Public Library
Dr. Porter; expressed concern with toxic issues and the environment in the Bayview Hunters Point Area
Walter Paulson: shared with the Board in song certain general issues
Emberly Cross; expressed appreciation for the restoration of the funding for the domestic violence against women programs
Beverly Upton; expressed appreciation for the restoration of the funding for the domestic violence against women programs
Maria; expressed concern with issues relating to Item 77 to remove a Charter Amendment relating to Affordable Housing
Female speaker; expressed concern with issues relating to Item 77 to remove a Charter Amendment relating to Affordable Housing
Chris Strassa; expressed concern with issues relating to Item 77 to remove a Charter Amendment relating to Affordable Housing
Jazzie Collins; expressed concern with issues relating to Item 77 to remove a Charter Amendment relating to Affordable Housing
Rowanda; expressed appreciation for the restoration of the funding for the domestic violence against women programs
Tanya Lee; expressed concern with issues relating to Item 77 to remove a Charter Amendment relating to Affordable Housing
Female speaker; expressed appreciation for the restoration of the funding for the domestic violence against women programs
Male speaker; expressed concern with issues relating to Item 77 to remove a Charter Amendment relating to Affordable Housing
Chelsea; expressed concern with issues relating to Item 77 to remove a Charter Amendment relating to Affordable Housing
Calvin Welch; expressed concern with issues relating to Item 77 to remove a Charter Amendment relating to Affordable Housing
Judy Ledbetter; expressed concern with issues relating to Item 77 to remove a Charter Amendment relating to Affordable Housing
Female speaker; expressed concern with issues relating to SF Police and the Sheriff's Department brutality

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

081020 [Commending the Ocean View, Merced Heights, Ingleside Neighbors in Action (OMI-NIA) for 20 years of outstanding service to the community, on the occasion of their 20th anniversary]
Supervisor Sandoval

Resolution commending the Ocean View, Merced Heights, Ingleside Neighbors in Action (OMI-NIA) for 20 years of outstanding service to the community, on the occasion of their 20th anniversary.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081021 [Accept and Expend Regional Grant - $24,000]
Supervisor Chu

Resolution authorizing the Department of the Environment to accept and expend grant funds in the amount of $24,000 from the Bay Area Air Quality Management District through Sustainable Earth Initiative for the purpose of providing technical assistance to develop, produce and disseminate best management tools for local commercial and municipal fleets' managers about how to reduce their fleets' carbon dioxide and polluting emissions.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081022 [Calling for FremantleMedia North America to provide its employees with industry standard benefits and to treat its employees with dignity and respect]
Supervisor Dufty

Resolution calling for Fremantlemedia North America to provide its employees with industry standard benefits and to treat its employees with dignity and respect.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080014 [Final Map - 601 Alabama Street]

Motion approving Final Map 4139, a 34 Residential Unit Condominium Project, located at 601 Alabama Street being a subdivision of Lot 005 in Assessors Block No. 4021 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,626; District 9.)

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080023 **[Final Map - 3740-3742 Geary Boulevard]**

Motion approving Final Map 4573, a Four Residential Unit and One Commercial Unit Mixed-Use Condominium Project, located at 3740 – 3742 Geary Boulevard being a subdivision of Lot 012 in Assessors Block No. 1433 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,635; District 1.)

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080024 **[Final Map - 894-898 Waller Street and 12-16 Broderick Street]**

Motion approving Final Map 4313, a 6 Unit Residential Condominium Project, located at 894 – 896 – 898 Waller Street and 12 – 14 – 16 Broderick Street being a subdivision of Lot 018 in Assessors Block No. 1240 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,657; District 5.)

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080077 **[Final Map - 550 18th Street]**

Motion approving Final Map 4972, a 35 Residential Unit and 4 Commercial Unit Mixed-Use Condominium Project, located at 550 18th Street being a subdivision of Lot 044 in Assessors Block No. 3994 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,658; District 10.)

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080117 **[Final Map - 1018-1022 Pine Street]**

Motion approving Final Map 4839, a 8 Unit Residential Condominium Project, located at 1018-1022 Pine Street being a subdivision of Lot 006 in Assessors Block No. 0253 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,659; District 3.)

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080377 **[Final Map - 2829 California Street and 1933 Divisadero Street]**

Motion approving Final Map 4631, a 12 Residential Unit and 3 Commercial Unit Mixed-Use Condominium Project, located at 2829 California Street and 1933 Divisadero Street being a subdivision of Lots 003 and 028 in Assessors Block No. 1028 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,660; District 5.)

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed From the Without Reference to Committee Agenda

Supervisor Chu requested that this matter be severed so that it might be considered separately.

080970 **[Burma Day - August 8, 2008]**
Supervisor Ammiano

Resolution declaring August 8th "Burma Day" in San Francisco in honor of the 20th anniversary of the people of Burma's 1988 popular uprising against Burma's military regime.

ADOPTED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Chu, Elsbernd

Supervisor Daly requested that File Nos. 081024 and 81025 be severed so that they might be considered separately.

081024 **[Withdrawing Charter Amendment for November 2008 Election - Affordable Housing Fund]**
Supervisor Elsbernd

Motion withdrawing, pursuant to section 370(a) of the Municipal Elections Code, the Board of Supervisors order of submission to the voters a Charter Amendment entitled San Francisco Affordable Housing Fund and Public Accountability.

NOT APPROVED by the following vote:
Ayes: 3 - Alioto-Pier, Chu, Elsbernd
Noes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081025 **[Releasing reserve of $200,000 for maintenance of security cameras for Department of Technology for Fiscal Year 2007-2008]**
Supervisor Elsbernd

Motion releasing reserve on funding for Fiscal Year 07-08 in the Department of Technology for maintenance of existing security cameras.

(Fiscal Impact.)

APPROVED by the following vote:
Ayes: 7 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi, Sandoval
Noes: 4 - Ammiano, Daly, McGoldrick, Peskin

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

080976 **[Street Artist Spaces]**

Resolution approving designation for six (6) months of nine (9) temporary selling spaces for weekend usage on Market Street, north side, at Steuart Street, for street artists certified by the Arts Commission, City and County of San Francisco; exempting said spaces from the regulations of Police Code Section 2405 relating to street artist display size and bus zone; said spaces subject to Board of Supervisors review. (Arts Commission)

7/10/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour 8:01p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, July 29, 2008 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi, Daly, Chu	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Commissioners Kim, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Ammiano, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty, Ammiano	1st and 3rd Thursday 10:00 AM

DOCUMENTS DEPT.
AUG - 8 2008
SAN FRANCISCO
PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll Supervisors Alioto-Pier and McGoldrick were noted absent.

Supervisors Alioto-Pier and McGoldick were noted present at 2:06 p.m.

There was a quorum present.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved to approve the Board Meeting Minutes of June 24, 2008. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

AGENDA CHANGES

COMMUNICATIONS

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

080887 [SFPD MOU for Loan of FBI Vehicles]
Mayor

Ordinance approving a memorandum of understanding between the City and County of San Francisco and the Federal Bureau of Investigations (FBI) for the loan of two Chevrolet Suburban vehicles from the FBI for use in San Francisco Police Department Tactical Company, and waiving the indemnification requirements of the San Francisco Administrative Code Chapter section 4.18 for this agreement, and approving the City indemnifying and holding the FBI harmless against claims arising from the activities of the City under the MOU.

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

080578 **[Liquor license transfer - 17 Third Street]**

Resolution determining that the transfer of a Type 21 off-sale general license from 1701 Taraval Street to 17 Third Street (District 6), to Brian Sheehy for Future Beverage, Inc. dba Cask will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

080910 **[State grant to support environmental health pest exclusion activities - $47,694.36]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend a grant in the amount of $47,694.36 from the California Department of Food and Agriculture (CDFA) to support the Light Brown Apple Moth Program; for the period of July 1, 2007 through June 30, 2008.

ADOPTED

Recommendations of the Government Audit and Oversight Committee

080792 **[Replacing the Emergency Response Fee, with a general tax at the same rates and with the same exemptions and modernizing the Telephone Users Tax without changing the rate or exemptions.]**
Mayor, Supervisors Peskin, Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Sandoval

Ordinance submitting to the voters an ordinance amending the Business and Tax Regulations Code by: (1) adding Article 10B, Sections 780-786, to replace the current Emergency Response Fee with a general tax at the same rates and with the same exemptions; (2) repealing Article 10A, Sections 750-770, to eliminate the existing Emergency Response Fee; (3) amending Article 10 by adding Sections 721, 722, and 723, amending Sections 701, 703, 707.1, and 708, and repealing Sections 702 and 707.3, all to modernize and update the Telephone Users Tax without changing the tax rate or exemptions; and (4) amending Article 6, Section 6.1-1, to make conforming changes; and ratifying past collection of the Telephone Users Tax and the Emergency Response Fee.

FINALLY PASSED

080849 **[PG&E SmartMeter Upgrade Proposal]**
Supervisors Peskin, Dufty, Ammiano, Maxwell, Mirkarimi, Daly, McGoldrick, Sandoval

Ordinance directing the Department of the Environment to conduct a Cost and Climate Review of PG&E's request to the California Public Utilities Commission to spend $877 million on a SmartMeter upgrade program; and directing the City Attorney, in consultation with the Department of the Environment and Public Utilities Commission, to participate in the CPUC review of PG&E's request; and establishing the City's policy to oppose PG&E's request if the Cost and Climate Review concludes that PG&E's SmartMeter upgrade proposal is not cost effective or that alternative technologies that offer greater benefits should be investigated.

(Fiscal Impact.)

FINALLY PASSED

Recommendations of the Land Use Committee

080407 **[Subdivision Code - definition of conversion]**
Supervisor Peskin

Ordinance amending the San Francisco Subdivision Code Section 1308 to modify the definition of conversion to include specified air space subdivisions of existing residential structures; and making environmental findings.

FINALLY PASSED

080947 **[Changing the official sidewalk width - Jessie Street east of 10th Street]**
Supervisor Daly

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1579 to change the official sidewalk width on Jessie Street east of 10th Street; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change; and approving public sidewalk easements along the southerly side of Jessie Street.

FINALLY PASSED

Recommendations of the Rules Committee

080944 **[Appointment, Assessment Appeals Board No. 1- Gregory Blaine]**
Motion appointing Gregory Blaine, term ending September 6, 2010, to Assessment Appeals Board No. 1.

Gregory Blaine, succeeding Carol Ruth Silver, resigned, seat 4, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board, for the unexpired portion of a three-year term ending September 6, 2010.

APPROVED

080945 **[Appointment, Assessment Appeals Board No. 2 - Alfredo Perez]**
Motion appointing Alfredo Perez, term ending September 6, 2010, to Assessment Appeals Board No. 2.

Alfredo Perez, succeeding Richard Lee, resigned, seat 4, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraiser; or he or she is a current member of an assessment appeals board, for the unexpired portion of a three-year term ending September 6, 2010.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

080725 [Consolidated Budget and Annual Appropriation Ordinance, Fiscal Year 2008-2009]

Mayor

Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year ending June 30, 2009.

(Supervisor Daly dissented in committee.)
(Fiscal Impact.)

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

080726 [Annual Salary Ordinance, Fiscal Year 2008-2009]

Mayor

Consolidated Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2009, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

(Supervisor Daly dissented in committee.)
(Fiscal Impact.)

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

081040 [Budget and Annual Appropriation Ordinance for Municipal Transportation Agency Budget for Fiscal Years 2008-2009 and 2009-2010]
Mayor

Budget and Annual Appropriation Ordinance Appropriating All Estimated Receipts and All Estimated Expenditures for the Municipal Transportation Agency for the Fiscal Year Ending June 30, 2009 and for the Fiscal Year Ending June 30, 2010.

FINALLY PASSED by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Sandoval
Noes: 3 - Daly, Mirkarimi, Peskin

081041 [Annual Salary Ordinance for the Municipal Transportation Agency for Fiscal Years 2008-2009 and 2009-2010]
Mayor

Annual Salary Ordinance for the Municipal Transportation Agency for Fiscal Years 2008-2009 and 2009-2010.

FINALLY PASSED by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Sandoval
Noes: 3 - Daly, Mirkarimi, Peskin

080880 [Recreation and Park Department - Event Fees]
Supervisor McGoldrick

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, Section 12.22 to amend the fees for use of the parks for events.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Sandoval

Supervisor Sandoval, seconded by Supervisor Mirkarimi, moved to rescind the previous vote.
Motion to rescind the previous vote passed without objection.

Supervisor Sandoval, seconded by Supervisor Daly, moved that this Ordinance be AMENDED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081011 [Appropriating $498,145 of FY 2007-2008 General Fund Reserve to the Mayor's Office of Criminal Justice for the Community Justice Center for FY 2008-2009]
Supervisors McGoldrick, Elsbernd, Peskin

Ordinance appropriating $498,145 of Fiscal Year 2007-2008 General Fund Reserve to the Mayor's Office of Criminal Justice to fund a Community Justice Center in Fiscal Year 2008-2009.

(Supervisor Daly dissented in committee.)
(Fiscal Impact.)

Supervisor Sandoval was previously excused from voting on this matter.
FINALLY PASSED by the following vote:
Ayes: 7 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin
Noes: 3 - Ammiano, Daly, Mirkarimi
Excused: 1 - Sandoval

Recommendations of the Government Audit and Oversight Committee

080832 [Real Property Transfer Tax]
Supervisors Peskin, Dufty, Ammiano

Ordinance submitting to the voters an ordinance amending the Business and Tax Regulations Code by: (1) amending Section 1102 to increase the Real Property Transfer Tax rate from 0.75% to 1.5% if the consideration for or value of the transfer exceeds $5 million; (2) amending Section 1105 to reduce the tax on transfers of residential property by up to one third (1/3) if, after January 1, 2009, the transferor has installed an active solar system or made seismic retrofitting improvements or improvements utilizing earthquake hazard mitigation technologies; (3) amending Section 1114 to clarify application of tax to transfers of ownership interests in legal entities that own real estate; and (4) amending Section 1108.3 to apply transfer tax to transfers of 35 year or longer leasehold interests.

(Economic Impact)

Supervisor Ammiano requested to be added as a co-sponsor.
FINALLY PASSED by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Alioto-Pier, Chu

080800 [MOU, Amendment No. 1 - San Francisco Fire Fighters Union, Local 798 (Unit 1)]
Mayor

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 1) by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

Supervisor Chu was previously excused from voting on this matter.
FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Chu

080801 **[MOU, Amendment No. 1 - San Francisco Fire Fighters Union, Local 798 (Unit 2)]**
Mayor

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798, IAFF, AFL-CIO (Unit 2) by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

Supervisor Chu was previously excused from voting on this matter.

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Chu

Recommendation of the Land Use and Economic Development Committee

080063 **[Green Building Requirements]**
Mayor, Supervisors Peskin, Sandoval, Maxwell, Ammiano, Dufty

Ordinance amending the San Francisco Building Code by adding Chapter 13C to impose green building requirements on (1) newly constructed Group R occupancy residential buildings, (2) newly constructed commercial buildings of Group B or M occupancies that are 5,000 gross square feet or more, (3) existing first-time build-outs of commercial interiors that are 25,000 gross square feet or more in area buildings of Group B or M occupancies, and (4) major alterations that are 25,000 gross square feet or more in existing buildings of Group B, M, or R occupancies, where interior finishes are removed and significant upgrades to structural and mechanical, electrical and/or plumbing systems are proposed; exempting (1) City projects, which are subject to Chapter 7 of the San Francisco Environment Code, (2) any new building in which laboratory use of any occupancy classification is the primary use, and (3) any building undergoing renovation in which the area of renovation will be primarily for laboratory use of any occupancy classification, and to authorize the Director of Building Inspection to grant an exemption from some of the requirements on the grounds of hardship or infeasibility and require the Director to grant an exemption if compliance would compromise the historical integrity of an historic structure; imposing additional requirements on demolitions and credits for the reuse of historic structures; providing that the requirements become operative 90 days after adoption if the California Energy Commission has approved it by that time; adopting findings, including environmental findings, and findings required by California Health and Safety Code Section 17958.5, and California Energy Code findings; and directing the Clerk of the Board of Supervisors to forward this ordinance to the California Building Standards Commission upon final passage.

Supervisor Dufty requested to be added as a co-sponsor.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Board of Supervisors Sitting as a Committee of the Whole

080650 [Creating an Historic Preservation Commission]
Supervisors Peskin, Ammiano

Charter Amendment (Sixth Draft) to amend the Charter of the City and County of San Francisco by amending Section 4.105 and adding Section 4.135 to establish an Independent Historic Preservation Commission, appointed by the Mayor, subject to the approval of the Board of Supervisors and meeting certain specified qualifications, with authority to recommend approval, disapproval or modification to the Board of Supervisors of landmark, and significant or contributory building designations under the Planning Code and historical property contracts under Chapter 71 of the Administrative Code without referral to the Planning Commission; recommend approval, disapproval or modification to the Board of Supervisors of historic district and conservation district designations under the Planning Code with comment by the Planning Commission; approve, disapprove, or modify certificates of appropriateness to landmarks buildings or historic districts; approve, disapprove, or modify permits for major and minor alterations to significant or contributory buildings or conservation districts; recommend a Preservation Element of the General Plan to the Planning Commission; and take such other actions on matters as may be prescribed by ordinance; and establishing appeal provisions; requiring referral of certain matters; and establishing budget, fees and staffing provisions.

The President inquired if any member of the public wished to address the Board members.
There were none.
The President declared the public hearing closed.

ORDERED SUBMITTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Board of Supervisors Sitting as a Committee of the Whole

The President inquired if any member of the public wished to address the Board members.
There were none.
The President declared the public hearing closed.

081030 [Payroll Expense Tax]
Supervisors Peskin, Dufty

Ordinance submitting to the voters an ordinance amending the Business and Tax Regulations Code by (1) amending Section 902.1 and adding Section 902.2 to clarify the tax liability of "pass through entities" under the Payroll Expense Tax Ordinance, including partnerships, Subchapter S corporations, limited liability companies, limited liability partnerships and other persons or entities not subject to federal income tax or which are allowed a deduction in computing such tax for distributions to the owners or beneficiaries of such persons or entities and specifying safe harbor measure of taxable payroll expense for owners of pass through entity (200% of compensation for its most highly paid quartile of employees, provided entity has at least 4 employees); and (2) amending Section 905-A to increase the Small Business Tax Exemption to include all taxpayers whose taxable payroll expense is $250,000 or less.

Supervisor Alioto-Pier was previously excused from voting on this matter.

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

NEW BUSINESS

Recommendations of the Budget and Finance Committee

080882 **[Lease of Real Property - 1449 Webster Street]**
Supervisor Mirkarimi

Resolution authorizing the lease of 3,900 sq. ft. at 1449 Webster Street for employment assistance programs.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080760 **[Authorizing the execution and delivery of certificates of participation to finance health care, assisted living and/or other type of continuing care facility or facilities and related improvements located at 375 Laguna Honda Boulevard]**
Mayor

Resolution authorizing the execution and delivery of certificates of participation to finance the acquisition, demolition, improvement, installation, equipping, rehabilitation, construction and/or reconstruction of a health care, assisted living and/or other type of continuing care facility or facilities and related improvements located at 375 Laguna Honda Boulevard; approving the form of a trust agreement between the City and County of San Francisco and a trustee (including certain indemnities contained therein); authorizing the selection of a trustee; approving the form of a property lease between the City and a trustee relating to 375 Laguna Honda Boulevard; approving the form of a project lease between the City and a trustee (including certain indemnities contained therein); approving the form of an official notice of sale and notice of intention to sell for the certificates of participation, if sold by competitive sale; approving the execution of a Bond Purchase Contract and authorizing the appointment of underwriters relating to the certificates of participation, if sold by negotiated sale; approving the form of an official statement in preliminary and final form; approving the form of a continuing disclosure certificate; granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of the Certificates; approving modifications to documents; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080951 **[Approving Tefra Hearing for The Institute on Aging Project]**
Supervisor McGoldrick

Resolution approving the issuance and sale of revenue bonds by the ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed $50,000,000 to finance the construction, equipping and furnishing of facilities that will provide access to affordable health care and other support services for low income, frail older adults by The Institute on Aging.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081006 [Bond Sale of Clean and Safe Neighborhood Parks General Obligation Bonds - $45,000,000]
Supervisor Elsbernd

Resolution authorizing and directing the sale of not to exceed $45,000,000 City and County of San Francisco General Obligation Bonds (Clean and Safe Neighborhood Parks Bonds, 2008) Series 2008B; prescribing the form and terms of said Bonds; authorizing the execution, authentication and registration of said Bonds; providing for the appointment of depositories and other agents for said Bonds; providing for the establishment of accounts related thereto; approving the forms of Official Notice of Sale and Notice of Intention to Sell Bonds; directing the publication of the Notice of Intention to Sell Bonds; approving the form and execution of the Official Statement relating thereto; approving the form of the Continuing Disclosure Certificate; approving modifications to documents; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said Bonds.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081007 [Clean and Safe Neighborhood Parks General Obligation Bonds Issuance - $185,000,000]
Supervisor Elsbernd

Resolution providing for the issuance of not to exceed $185,000,000 aggregate principal amount of City and County of San Francisco General Obligation Bonds (Clean and Safe Neighborhood Parks, 2008); authorizing the execution, authentication and registration of said Bonds; providing for the levy of a tax to pay the principal and interest thereof; providing for the appointment of depositories and other agents for said Bonds; providing for the establishment of accounts related thereto; ratifying certain actions previously taken; and granting general authority to city officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said Bonds.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080774 [DSW training and reporting and employee contact information]
Supervisor Alioto-Pier

Ordinance requiring departments to update employee contact information and report annually on the status of required Disaster Service Worker Training.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080876 **[Recurring FY 2008-2009 State grant funds to the Department of Public Health]**
Supervisor Alioto-Pier

Resolution authorizing the acceptance and expenditure of State grant funds by the San Francisco Department of Public Health (DPH) for FY 2008-2009.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the City Operations and Neighborhood Services Committee Without Recommendation

080594 **[Prohibiting pharmacies from selling tobacco products]**
Mayor, Supervisors Peskin, McGoldrick

Ordinance amending the San Francisco Health Code by amending Section 1009.53 and adding Section 1009.60 and Article 19J, to prohibit pharmacies from selling tobacco products.

(No Economic Impact)

PASSED ON FIRST READING by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Chu, Dufty, Elsbernd

Recommendation of the Government Audit and Oversight Committee

080283 **[San Francisco Special Tax Financing Law]**
Supervisor Sandoval

Ordinance amending the San Francisco Administrative Code by adding Article 43.10, Sections 43.10.1 through 43.10.23, to enact the Special Tax Financing Law establishing procedures for the formation of special tax districts, the imposition of special taxes and the issuance of bonds secured by such special tax funds.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Land Use and Economic Development Committee

080823 [Establishment of floodplain management programs and designation of floodplain administrator]
Supervisors Elsbernd, Chu

Ordinance establishing a floodplain management program by adding Article XX, Sections 2A.280 - 2A.285 to the San Francisco Administrative Code; designating the City Administrator as the floodplain administrator; and providing requirements for designating floodplains and for construction and development in floodplains.

Supervisor Chu requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080824 [Authorizing enrollment in National Flood Insurance Program]
Supervisors Elsbernd, Chu

Resolution authorizing enrollment in the National Flood Insurance Program, providing assurances that the City, acting by and through the City Administrator, will implement a floodplain management program, and authorizing the City Administrator to take actions necessary to implement this resolution.

Supervisor Chu requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080673 [San Francisco Public Utilities Commission Cross Connection Controls Project]

Resolution adopting Final Mitigated Negative Declaration, and adopting findings pursuant to the California Environmental Quality Act (CEQA), including the Mitigation Monitoring and Reporting Plan, related to use of appropriated funds for San Francisco Public Utilities Commission (SFPUC) Cross Connection Controls Project. (Public Utilities Commission)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Land Use Committee Without Recommendation

080652 [Rental Subsidy Program for Low-Income Families]
Supervisors Daly, Ammiano, Sandoval

Ordinance adding Sections 48.1 through 48.7 to the San Francisco Administrative Code creating the Rental Subsidy Program for Low-Income Families that establishes a need-based local housing subsidy for homeless families subject to the fiscal and budgetary provisions of the Charter.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NOT PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 5 - Ammiano, Daly, Mirkarimi, Peskin, Sandoval
Noes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick

Supervisor Daly, seconded by Supervisor Ammiano, moved to rescind the previous vote.
Motion to rescind the previous vote passed by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Chu, McGoldrick

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Daly withdrew his motion.
Referred to Committee as amended.

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Ordinance be RE-REFERRED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Rules Committee

080826 **[Menu Labeling at Chain Restaurants]**
Supervisor Ammiano

Ordinance amending Sections 468.2, 468.3, 468.4, 468.5, 468.6, and 468.8 of the San Francisco Health Code to (1) set rounding rules for disclosure of nutritional information, (2) allow nutritional information for pizzas to be listed per serving size, (3) allow chain restaurants to display the information required by Section 468.4 in brochures and booklets, (4) authorize the Director of the Department of Public Health to adopt rules and regulations to enforce these provisions, and (5) extend the deadlines for electronic reporting and disclosure on menus, food tags, and posters.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080618 **[Board of Supervisors Aides]**
Supervisor McGoldrick

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by amending Section 2.117, to eliminate the reference to the number of staff members provided for members of the Board of Supervisors.

Continued to August 5, 2008

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:00 P.M.

081046 [Public Hearing - Report of Assessment Costs for Sidewalk and Curb Repairs]

Hearing of persons interested in or objecting to report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.

The President inquired whether any member of the public wished to address the Board members.
Property owner of 242- 5th Avenue
The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

081047 [Report of assessment costs for sidewalk and curb repairs]

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.

Amended by deleting 949 Hyde Street from the sidewalk assessment costs report.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Resolution be ADOPTED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:00 P.M.

080913 [Hearing - Broadway Entertainment Corridor Community Benefit District]

Hearing of persons interested in or objecting to proposed resolution establishing a property-based business improvement district to be known as the "Broadway Entertainment Corridor Community Benefit District (CBD)," ordering the levy and collection of assessments against property located in that district for ten years, commencing with fiscal year 2008-2009, subject to conditions as specified, and making environmental findings.

The President inquired as to whether any member of the public wished to address the Board members.
Mr. Carroll Pleskot; opposed the Community Benefit District
Mr. Calvin Louie; opposed the Community Benefit District

The election and public hearing were continued to September 16, 2008 at 3:00 p.m.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080914 [Resolution to establish the Broadway Entertainment Corridor Community Benefit District]
Supervisor Peskin

Resolution establishing a property-based business improvement district to be known as the "Broadway Entertainment Corridor Community Benefit District (CBD)," ordering the levy and collection of assessments against property located in that district for ten years, commencing with fiscal year 2008-2009, subject to conditions as specified, and making environmental findings.

Continued to September 16, 2008 at 3:00 p.m.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:00 P.M.

080916 **[Hearing - Yerba Buena Community Benefit District]**

Hearing of persons interested in or objecting to resolution establishing a property-based business improvement district to be known as the "Yerba Buena Community Benefit District (CBD)," ordering the levy and collection of assessments against property located in that district for seven years, commencing with fiscal year 2008-2009, subject to conditions as specified, and making environmental findings.

The President inquired whether any member of the public wished to address the Board members.
Heather Hale, Yerba Buena Neighborhood; support of the Community Benefit District
Jerry Piazzo; support of the Community Benefit District
Peter Hartman; support of the Community Benefit District
Mike Nettles; support of the Community Benefit District
John Brown; support of the Community Benefit District
Andrew Bryant, South of Market Child Care; support of the Community Benefit District
Patricia Breslin, Hotel Council; support of the Community Benefit District
David Cross, Ca Historical Society; support of the Community Benefit District
Bob Black, SF Chamber of Commerce; support of the Community Benefit District
Darren Wong, State of California Transportation; opposed only to the right of way properties. He requested that this parcel be excluded from the Community Benefit District.
Doug O'Neill, Home Association; opposed to the Community Benefit District
Catherine Isaacs; opposed to the Community Benefit District
Heard at public hearing.
President declared the public comment closed.
HEARD AT PUBLIC HEARING.

080917 **[Resolution to establish the Yerba Buena Community Benefit District]**
Mayor

Resolution establishing a property-based business improvement district to be known as the "Yerba Buena Community Benefit District (CBD)," ordering the levy and collection of assessments against property located in that district for seven years, commencing with fiscal year 2008-2009, subject to conditions as specified, and making environmental findings.

The Clerk of the Board announced the tabulations of the Yerba Buena Community Benefit District.
Voting For - 82.96%
Voting Against - 17.04%

Supervisor McGoldrick moved to continue this matter to August 5, 2008.
Motion to continue this matter failed for a lack of second.
ADOPTED by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Chu, Dufty, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 3 - Daly, Elsbernd, Peskin

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Maxwell introduced, welcomed and presented a Certificate of Honor to members of "PODER".

Supervisor Peskin, introduced, welcomed and presented a Certificate of Honor to the Director of San Francisco Symphony.

070910 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 3424 Jackson Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 31, 2007 (Case No. 2005.1134E), exempting from environmental review under Categorical Exemption Class 1, [State Guidelines, Section 15301(e)(1)]. The proposal would construct an addition of approximately 780 square feet (sq ft) of new space, room repartitions, removal of a rear fire escape, and addition of a new rear egress staircase and three decks to a 6,510-sq ft, 35-foot-high, four-story, single-family dwelling constructed circa 1921. The proposed alterations would result in a building approximately 7,289 sq ft and 35 feet high with enlarged ground, first, second, and third floors to the rear (about 487 sq ft of additional space), and enlarged fourth floor toward the front of the building (an expansion of 292 sq ft). The site is a rectangular 4,469-sq ft parcel (Assessor's Block 0971; Lot 003B). The project site, located in the Presidio Heights neighborhood is zoned RH-1 (Residential, House - One Family) and is within a 40-X height and bulk district.
(Appellant: Howard N. Ellman on behalf of Mr. and Mrs. Karkar)

(Filed June 14, 2007; companion measure to 070911, 070912, 070913; District 2.)

The President inquired as to whether any member of the public wished to address the Board members.
Project sponsor withdrew the propsed project.
Susan Brandt Hawley, Attorney for the appellant
The President declared the public hearing closed.
FILED.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

070911 **[Affirming the Categorical Exemption issued for the 3424 Jackson Street project]**

Motion affirming the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070912 **[Disapproving the Categorical Exemption issued for the 3424 Jackson Street project]**

Motion disapproving the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070913 **[Preparation of findings related to the 3424 Jackson Street project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 3424 Jackson Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 4:00 P.M.

070967 **[Public Hearing - Appeal of Minor Sidewalk Encroachment for 1166 Haight Street]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works, by its letter dated June 13, 2007, approving a request of Minor Sidewalk Encroachment Permit to construct a warped driveway ramp and two (2) planter boxes to encroach 3'-0" into the public sidewalk right-of-way (25% of the sidewalk width as allowed by Article 15, Section 723.2 of the Public Works Code) fronting the property at 1166 Haight Street to provide access to a proposed garage below grade. (Appellant: Raquel Fox.)

(Filed June 28, 2007; companion measure to Files 070968, 070969; District 5.)

The President inquired as to whether any member of the public wished to address the Board members. Continued to October 28, 2008 at 4:00 p.m.

CONTINUED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the minor sidewalk encroachment permit appeal described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

070968 **[Minor Sidewalk Encroachment Permit Appeal for 1166 Haight Street]**

Motion disapproving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 1166 Haight Street and denying the Encroachment Permit.

Continued to October 28, 2008 at 4:00 p.m.

Supervisor Mirkarimi, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070969 **[Minor Sidewalk Encroachment Permit Appeal for 1166 Haight Street]**

Motion approving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 1166 Haight Street and denying the appeal.

Continued to October 28, 2008 at 4:00 p.m.

Supervisor Alioto-Pier, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 4:00 P.M.

080906 **[Public Hearing - Appeal of Determination of Exemption from Environmental Review for AT&T "Lightspeed" Telecommunications Network Upgrade]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated June 13, 2008, Case No. 2007.1350E, exempting from environmental review under Categorical Exemption, Class 3 [State CEQA Guidelines Section 15303(d)]. Under the project, AT&T proposes to install up to 850 metal telecommunications cabinets, each measuring approximately 48-inches high, 50-inches wide and 26-inches deep, in the public right-of-way. In addition, AT&T would enlarge some of its existing Serving Area Interface (SAI) cabinets that are now located in the public right-of-way throughout the City. (Appellant: David Crommie on behalf of Cole Valley Improvement Association.)

The President inquired as to whether any member of the public wished to address the Board members.
Susan Brandt-Hawley; Attorney for the Appellant
G. Bland Platt; support of the Appellant
David Crommie; Appellant

The following listed speakers spoke in favor of the Appellant:
Dr. Wayne Lanier, Paul Wermer, Lawrence Rosenfold, Ann Morris, Susan Maerki, Karen Crommie, Patrick Ryan, Pastor of St. Nicolas Church. Sheia Dillman, Kathleen Connolly, Tag Cummmings, Richard Magary, Sherry Powell, Meg Rosenfeld, Ann Lanzerotti, Joshua Mogal, Mary O'Connor, Judy Hyme, Dr Richard Lanzerotti, Lena Emmery, Chuck Canepa, Mary Helen Briscoe, Stacy Fuchs, Minouche Kandel, Dick Millet, Chris Charles, Paul Wells, Tim Tonelli, Donald Stroh, Eric Preston, Nan Roth, Joan Downey, Female Speaker, Milo Hanke, Jane Martin, Chris Dudderstat, Eric Preston, Judith Berkovitz, Jerry Crowley

Biil Wycko and Tara Sullivan-Lenane, Representatives of the Planning Department reviewed with the Board the Plannng Department's recommendation.

The following listed speakers spoke on behalf of the project sponsor.
Lisa Walley, Sue Ellen Smith, Hannah Samuels, Jorge Morellon, Kelly Blemberg, Commissioner Steve Nakajo, Matt Dahlbacka, Reverend Townsend, Gayle Crawley, Antoinette Mobley, Evangelist Jackie Norman, La Ronda Smith, Franklin Ross, Reverend Gary Banks, Al Norman, Lourdes Tancinco, Marivic Bamba, Rosario Anaya, Victor Diaz, Kein Jefferson, Howard Smith, Rob Black, Annie Chung
Jennifer Hernandez, Attorney for the project sponsor

Susan Brandt-Hawley, Appellant - Rebuttal Period
Heard at public hearing.
The President declared the public hearing closed.

AT&T withdrew it's application for a categorical exemption.
(File Nos. 080907, 080908 and 080908 were removed from the Board agenda.)
FILED.

COMMITTEE REPORTS

Supervisor Sandoval Excused From Voting

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved to excuse Supervisor Sandoval, at his request, from voting on this matter due a possible conflict of interest. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080484 **[Sublease of Real Property at 555 Polk Street]**
Mayor

Resolution authorizing the sublease of 9,000 square feet of office space in the building located at 555 Polk Street for the Community Justice Center through the Department of Public Health.

(Fiscal Impact.)
(Supervisor Daly dissented in committee.)

ADOPTED by the following vote:
Ayes: 8 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Ammiano, Daly
Excused: 1 - Sandoval

080987 **[Appointment, Ballot Simplification Committee - Adele Fasick]**
Motion appointing Adele Fasick, term ending November 30, 2008, to the Ballot Simplification Committee.

Adele Fasick, succeeding Suzanne Stassevitch, seat 3, term expired, must represent the League of Women Voters of San Francisco, for the unexpired portion of a two-year term ending November 30, 2008.

APPROVED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080977 **[Appointment, Public Utilities Commission - Ann Moller Caen]**
Motion confirming the Mayor's appointment of Ann Moller Caen to the Public Utilities Commission, Seat 3, for the term ending August 1, 2012. (Mayor)

APPROVED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080981 **[Appointment, Public Utilities Commission - Francis X. Crowley]**
Motion confirming the Mayor's appointment of Francis X. Crowley to the Public Utilities Commission, Seat 5, for the term ending August 1, 2012. (Mayor)

APPROVED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080983 **[Appointment, Public Utilities Commission - Nora Vargas]**
Motion confirming the Mayor's appointment of Nora Vargas to the Public Utilities Commission, Seat 2, for the term ending August 1, 2010. (Mayor)

Supervisor Sandoval, seconded by Supervisor Ammiano, moved to continue this matter to August 5, 2008.
Motion to continue this matter failed by the following vote:
Ayes: 5 - Alioto-Pier, Chu, Elsbernd, McGoldrick, Sandoval
Noes: 6 - Ammiano, Daly, Dufty, Maxwell, Mirkarimi, Peskin

Supervisor Sandoval was noted absent at 8:20 p.m.

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:
Ayes: 7 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 3 - Alioto-Pier, Chu, Elsbernd
Absent: 1 - Sandoval

080984 **[Appointment, Public Utilities Commission - Nora Vargas]**

Motion rejecting the Mayor's appointment of Nora Vargas to the Public Utilities Commission, Seat 2, for the term ending August 1, 2010. (Mayor)

Supervisor Sandoval, seconded by Supervisor Ammiano, moved to continue this matter to August 5, 2008.
Motion to continue this matter failed by the following vote:
Ayes: 5 - Alioto-Pier, Chu, Elsbernd, MdGoldrick, Sandoval
Noes: 6 - Ammiano, Daly, Dufty, Maxwell, Mirkarimi, Peskin

Supervisor Sandoval was noted absent at 8:20 p.m.

APPROVED by the following vote:
Ayes: 7 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 3 - Alioto-Pier, Chu, Elsbernd
Absent: 1 - Sandoval

080821 **[Residential Rent Ordinance, defining and prohibiting tenant harassment and providing remedies of rent reduction, criminal and civil penalties]**

Supervisor Daly

Motion ordering submitted to the voters an ordinance concerning tenant rights and remedies against harassment under the City's residential rent ordinance, at an election to be held on November 4, 2008.

(7/28/08, Supervisor Dufty dissenting in committee).

Supervisor Sandoval was noted present at 8:21 p.m.

APPROVED by the following vote:
Ayes: 7 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

080709 **[Settlement of City's Lawsuit Against Defendant Coral Energy Resources, L.P. - $277,000]**

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against defendant Coral Energy Resources, L.P.; the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023) was filed on June 8, 2004, and has been coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides approximately $277,000 to the City from defendant Coral Energy Resources, L.P. (City Attorney)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080710 **[Settlement of City's Lawsuit Against Defendants Reliant Energy Services, Inc., Reliant Energy, Inc. (f/k/a Reliant Resources, Inc.), and Mary Kathleen Zanaboni - $297,500]**

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against defendants Reliant Energy Services, Inc., Reliant Energy, Inc. (f/k/a Reliant Resources, Inc.), and Mary Kathleen Zanaboni ("Reliant"); the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023) was filed on June 8, 2004, and has been coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides approximately $297,500 to the City from the Reliant defendants. (City Attorney)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080896 **[Settlement of Lawsuit - City and County of San Francisco, et al., v. Pravin Dahy Abhai Patel, et al.]**

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco and the People of the State of California, by and through Dennis J. Herrera, City Attorney for the City and County of San Francisco, against Pravin Dahy Abhai Patel, George Patel, and Sanjay Patel in exchange for an agreement to rescind the notice of withdrawal submitted pursuant to Government Code section 7060(a); the lawsuit was filed on July 12, 2006, in San Francisco Superior Court, Case No. CGC- 06-454092; entitled City and County of San Francisco, et al., v. Pravin Dahy Abhai Patel, et al; other material terms of said settlement are set forth in the Settlement Agreement contained in Board of Supervisors File No. 080896. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080897 **[Settlement of Lawsuit - Schram Construction, Inc. - $722,104.09]**

Ordinance authorizing settlement of the lawsuit filed by Schram Construction, Inc. ("Schram") against the City and County of San Francisco (the "City") seeking $1,000,000; the lawsuit was filed on June 23, 2006 in the Superior Court of the City and County of San Francisco, Case No.CGC-06-453479, entitled Schram Construction, Inc., v. City and County of San Francisco; other material terms of said settlement are: 1) The City will pay a total of $722,104.09 to Schram; 2) Schram will indemnify the City against potential legal claims and/or lawsuits from subcontractors and suppliers; 3) All warranties not yet expired will remain in full force and effect; and 4) The City reserves all rights relating to latent defects. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library
Walter; shared with the Board in song SF memorabilia
Male speaker; expressed concern with issues relating to the economic crisis

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

081039 [Accept-Expend Regional Grant - $16,100]
Supervisor Chu

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $16,100.00 from Altamont Education Advisory Board to expand recycling and lunchroom composting programs at schools in San Francisco.

Supervisor Ammiano was noted absent at 8:40 p.m.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent:.1 - Ammiano

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

081023 [Board Review and Approval of 2008 U.S. Department of Housing and Urban Development Continuum of Care Programs Application]

Resolution approving the City and County of San Francisco 2008 grant Application for the United States Department of Housing and Urban Development Continuum of Care Programs and fulfilling the San Francisco Board of Supervisors review and approval process for all annual or otherwise recurring grants of $5,000,000 or more. (Human Services Department)

7/17/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081026 [Approval of the 12-month cost extension application for HIV prevention projects for 2008]

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to submit a 12-month cost extension application in order to continue to receive funding for the HIV prevention Projects grant from the Centers for Disease Control and Prevention (CDC); in the amount of approximately $8,800,000 in HIV prevention funding for San Francisco, extending the project period from December 31, 2008 to December 31, 2009. (Public Health Department)

7/18/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

081027 [Clean Renewable Energy Bonds]

Resolution approving the issuance of not to exceed $6,325,000 aggregate principal amount of clean renewable energy bonds to be issued by the Public Utilities Commission of the City and County of San Francisco (the "Commission"); approving the execution and delivery by the Commission of a Master Equipment Lease/Purchase Agreement, an Acquisition Fund and Account Control Agreement, and a Bond Purchase Agreement; and authorizing the taking of appropriate actions in connection therewith; and related matters.
(Public Utilities Commission)

7/21/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business at 8:40 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, August 5, 2008 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Commissioners Kim, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Ammiano, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty, Ammiano	1st and 3rd Thursday 10:00 AM

DOCUMENTS DEPT.
AUG 08 2008
SAN FRANCISCO
PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll Supervisor Daly was noted absent.

There was a quorum present.

Supervisor Daly was noted present at 2:08 p.m.

COMMUNICATIONS

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

080774 [DSW training and reporting and employee contact information]
Supervisor Alioto-Pier

Ordinance requiring departments to update employee contact information and report annually on the status of required Disaster Service Worker Training.

FINALLY PASSED

Recommendation of the Government Audit and Oversight Committee

080283 [San Francisco Special Tax Financing Law]
Supervisor Sandoval

Ordinance amending the San Francisco Administrative Code by adding Article 43.10, Sections 43.10.1 through 43.10.23, to enact the Special Tax Financing Law establishing procedures for the formation of special tax districts, the imposition of special taxes and the issuance of bonds secured by such special tax funds.

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

080823 **[Establishment of floodplain management programs and designation of floodplain administrator]**
Supervisors Elsbernd, Chu

Ordinance establishing a floodplain management program by adding Article XX, Sections 2A.280 - 2A.285 to the San Francisco Administrative Code; designating the City Administrator as the floodplain administrator; and providing requirements for designating floodplains and for construction and development in floodplains.

FINALLY PASSED

Recommendations of the Rules Committee

080709 **[Settlement of City's Lawsuit Against Defendant Coral Energy Resources, L.P. - $277,000]**
Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against defendant Coral Energy Resources, L.P.; the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023) was filed on June 8, 2004, and has been coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides approximately $277,000 to the City from defendant Coral Energy Resources, L.P. (City Attorney)

FINALLY PASSED

080710 **[Settlement of City's Lawsuit Against Defendants Reliant Energy Services, Inc., Reliant Energy, Inc. (f/k/a Reliant Resources, Inc.), and Mary Kathleen Zanaboni - $297,500]**
Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against defendants Reliant Energy Services, Inc., Reliant Energy, Inc. (f/k/a Reliant Resources, Inc.), and Mary Kathleen Zanaboni ("Reliant"); the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023) was filed on June 8, 2004, and has been coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides approximately $297,500 to the City from the Reliant defendants. (City Attorney)

FINALLY PASSED

080896 **[Settlement of Lawsuit - City and County of San Francisco, et al., v. Pravin Dahy Abhai Patel, et al.]**
Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco and the People of the State of California, by and through Dennis J. Herrera, City Attorney for the City and County of San Francisco, against Pravin Dahy Abhai Patel, George Patel, and Sanjay Patel in exchange for an agreement to rescind the notice of withdrawal submitted pursuant to Government Code section 7060(a); the lawsuit was filed on July 12, 2006, in San Francisco Superior Court, Case No. CGC- 06-454092; entitled City and County of San Francisco, et al., v. Pravin Dahy Abhai Patel, et al; other material terms of said settlement are set forth in the Settlement Agreement contained in Board of Supervisors File No. 080896. (City Attorney)

FINALLY PASSED

080897 **[Settlement of Lawsuit - Schram Construction, Inc. - $722,104.09]**
Ordinance authorizing settlement of the lawsuit filed by Schram Construction, Inc. ("Schram") against the City and County of San Francisco (the "City") seeking $1,000,000; the lawsuit was filed on June 23, 2006 in the Superior Court of the City and County of San Francisco, Case No.CGC-06-453479, entitled Schram Construction, Inc., v. City and County of San Francisco; other material terms of said settlement are: 1) The City will pay a total of $722,104.09 to Schram; 2) Schram will indemnify the City against potential legal claims and/or lawsuits from subcontractors and suppliers; 3) All warranties not yet expired will remain in full force and effect; and 4) The City reserves all rights relating to latent defects. (City Attorney)

FINALLY PASSED

080826 **[Menu Labeling at Chain Restaurants]**
Supervisor Ammiano

Ordinance amending Sections 468.2, 468.3, 468.4, 468.5, 468.6, and 468.8 of the San Francisco Health Code to (1) set rounding rules for disclosure of nutritional information, (2) allow nutritional information for pizzas to be listed per serving size, (3) allow chain restaurants to display the information required by Section 468.4 in brochures and booklets, (4) authorize the Director of the Department of Public Health to adopt rules and regulations to enforce these provisions, and (5) extend the deadlines for electronic reporting and disclosure on menus, food tags, and posters.

FINALLY PASSED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

080880 **[Recreation and Park Department - Event Fees]**
Supervisor McGoldrick

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, Section 12.22 to amend the fees for use of the parks for events.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the City Operations and Neighborhood Services Committee Without Recommendation

080594 **[Prohibiting pharmacies from selling tobacco products]**
Mayor, Supervisors Peskin, McGoldrick

Ordinance amending the San Francisco Health Code by amending Section 1009.53 and adding Section 1009.60 and Article 19J, to prohibit pharmacies from selling tobacco products.

(No Economic Impact)

FINALLY PASSED by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Chu, Dufty, Elsbernd

From the Government Audit and Oversight Committee Without Recommendation

081013 [Economic Impact Analysis of Proposed Daytime Street Closure]
Supervisors Peskin, Elsbernd, Alioto-Pier

Resolution directing the Office of Economic Analysis and the Office of Small Business to conduct an analysis of the economic impact of the proposed "Sunday Streets" street closure planned for August 31st and September 14th on local businesses and requesting the City postpone any street closure until such analysis is completed.

NOT ADOPTED by the following vote:
Ayes: 5 - Alioto-Pier, Elsbernd, McGoldrick, Peskin, Sandoval
Noes: 6 - Ammiano, Chu, Daly, Dufty, Maxwell, Mirkarimi

Recommendation of the Rules Committee

080618 [Charter Amendment - Board of Supervisors Aides, November 2009 Election]
Supervisor McGoldrick

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by amending Section 2.117, to eliminate the reference to the number of staff members provided for members of the Board of Supervisors.

ORDERED SUBMITTED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Chu, Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance Committee

080441 [Regulating Overtime for City Employees]
Mayor, Supervisor McGoldrick

Ordinance amending Section 18.3-1 of the Administrative Code, to limit overtime hours worked in any fiscal year and to limit overtime to no more than 80 in a regular work week except for work performed for emergency or critical services needs, if such emergency or critical service need is approved by appropriate officials.

Further amended in the title by replacing "80" with "40".

Supervisor Elsbernd, seconded by Supervisor Dufty, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:
Ayes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Peskin, Sandoval
Noes: 5 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi

Supervisor McGoldrick, seconded by Supervisor Daly, moved that this Ordinance be RE-REFERRED. The motion FAILED by the following vote:

Ayes: 4 - Daly, Elsbernd, Peskin, Sandoval
Noes: 7 - Alioto-Pier, Ammiano, Chu, Dufty, Maxwell, McGoldrick, Mirkarimi

Ordinance amending Section 18.3-1 of the Administrative Code, to limit overtime hours worked in any fiscal year and to limit overtime to no more than 40 in a regular work week except for work performed for emergency or critical services needs, if such emergency or critical service need is approved by appropriate officials.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080830 [Pre-Tax Commuter Benefits for Qualifying Transit]

Supervisor Mirkarimi

Ordinance amending the San Francisco Environment Code by adding a new Section 421 to require San Francisco employers to offer commuter benefits to encourage employees to use public transit or van pools; to authorize the Department of the Environment to implement an Emergency Ride Home program; and making environmental findings.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081016 [Refunding City and County of San Francisco Finance Corporation Lease Revenue Bonds, Series 2000-1, Series 2000-2, and Series 2000-3 (Moscone Center Expansion Project)]

Mayor

Ordinance approving the issuance of lease revenue refunding bonds to refinance, in whole and/or in part, the $144,300,000 outstanding City and County of San Francisco Finance Corporation Lease Revenue Bonds, Series 2000-1, Series 2000-2, and Series 2000-3 (Moscone Center Expansion Project); approving the form of a site and facilities lease by and between the City and County of San Francisco (the "City") and the City and County of San Francisco Finance Corporation (the "Corporation"); approving the form of a project lease between the Corporation and the City; approving the form of a reimbursement agreement among the City, the Corporation and each credit provider; approving the form of an Official Statement; approving the form of a purchase contract between the Corporation and each underwriter, including the form of a certificate of the City; granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said bonds; approving modifications to documents; and ratifying previous actions taken in connection therewith.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080949 **[Approval of Amendment to the Construction Management Services Agreement for the Laguna Honda Hospital Replacement Program]**
Supervisor Elsbernd

Resolution authorizing the Director of Public Works to execute an amendment to the construction management services agreement for the Laguna Honda Hospital Replacement Program from $9,995,383 to $14,784,481.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier

080950 **[Approval of Amendment to Design Agreement for the Laguna Honda Hospital Replacement Program]**
Supervisor Elsbernd

Resolution authorizing the Director of Public Works to execute amendment to a design agreement for the Laguna Honda Hospital Replacement Program from $39,155,175 to $44,633,529.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier

081036 **[Multifamily Housing Revenue Bonds, Series 2008B - Geary Senior Housing]**
Supervisor McGoldrick

Resolution authorizing the issuance and delivery of multifamily housing revenue bonds (as defined herein) in an aggregate principal amount not to exceed $30,000,000 for the purpose of providing financing for the construction of a multifamily rental housing project to be known as Geary Senior Housing, to consist of 150 housing units; approving the form of and authorizing the execution of an indenture of trust providing the terms and conditions of the bonds; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the form of and authorizing the execution of a loan agreement; ratifying and approving any action heretofore taken in connection with the bonds and the project; granting general authority to City officials to take actions necessary to implement this resolution; and related matters.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Land Use and Economic Development Committee

080478 **[Height Map Amendment - Rezoning Block 5323, Lots 13, 14, 14A, 15, 15A And 15B On Third Street And Mendell Street, From A 105-A Height And Bulk Limit To A 55-X Height And Bulk Limit]**
Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by amending Height Map HT 10 of the Zoning Map of the City and County of San Francisco to change height and bulk limit for Block 5323, lots 13, 14, 14A, 15, 15A and 15B, located at the intersection of Third Street and Mendell Street, from 105-A to 55-X; adopting findings, including environmental findings and findings of consistency the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080976 **[Street Artist Spaces]**
Resolution approving designation for six (6) months of nine (9) temporary selling spaces for weekend usage on Market Street, north side, at Steuart Street, for street artists certified by the Arts Commission, City and County of San Francisco; exempting said spaces from the regulations of Police Code Section 2405 relating to street artist display size and bus zone; said spaces subject to Board of Supervisors review. (Arts Commission)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Land Use and Economic Development Committee Without Recommendation

080282 **[Off-Site Residential Inclusionary Affordable Housing Requirements]**
Supervisors Sandoval, Daly

Ordinance amending Section 315.5 of the Planning Code to provide that twenty-five percent of off-site units given site permits annually may be built outside of the currently-required one-mile radius from the market-rate project, and to provide that off-site units cannot be located in industrially-zoned areas or within a quarter mile of developments containing 200 or more publicly-owned and operated affordable housing developments.

PASSED ON FIRST READING by the following vote:
Ayes: 7 - Chu, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Sandoval
Noes: 4 - Alioto-Pier, Ammiano, Maxwell, Peskin

SPECIAL ORDER 3:00 P.M.

080994 **[Public Hearing - DPH Delinquent Refuse Service Payment Liens (Garbage Liens)]**
Hearing of persons interested in or objecting to report of delinquent charges for refuse collection service and nuisance removal costs submitted by the Director of Public Health, as modified to the date of adoption of this resolution, and creating Special Assessments and Liens based thereon.

The President inquired as to whether any member of the public wished to address the Board.
There were none.
The President declared the public hearing closed.
FILED.

080995 **[Unpaid DPH Delinquent Refuse Service Payment Liens to become Special Assessments to the property taxes]**

Resolution confirming report of delinquent charges for refuse collection service and nuisance removal costs submitted by the Director of Public Health, as modified to the date of adoption of this resolution, and creating Special Assessments and Liens based thereon.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080996 **[Public Hearing - DPH Reinspection Fee Liens]**

Hearing of persons interested in or objecting to the report of delinquent reinspection fee costs submitted by the Director of Public Health, as modified to the date of adoption of the resolution, and creating Liens and Special Assessments based thereon.

The President inquired as to whether any member of the public wished to address the Board.
There were none.
Tte President declared the public hearing closed.
FILED.

080997 **[Unpaid Department of Public Health complaint Reinspection Fee Liens to become Special Assessments to the property taxes]**

Resolution confirming the report of delinquent reinspection fee costs submitted by the Director of Public Health, as modified to the date of adoption of the resolution, and creating Liens and Special Assessments based thereon.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080998 **[Public Hearing - DBI Special Assessment of Liens for Code Enforcement Cases]**

Hearing of persons interested in or objecting to the report of Delinquent Charges for Code Enforcement cases with Delinquent assessment of costs, and Fees pursuant to the provisions of Section 102A.3, 102A.4, 102A.6 102A.12, 102A.16, 102A.17, 102A.18, 102A.19, 102A.20 et seq., 103A.3.3 Section 108A, Section 110A – Tables 1A-K and 1A-G, of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for Services rendered by said Department of Costs thereof having accrued pursuant to Code Violations referenced above.

The President inquired as to whether any member of the public wished to address the Board.
Al Berger, property owner of 21 Wood Street
Rosemary Bacci, Representative of the Department of Building Inspection.
Heard at public hearing.
The President declared the public hearing closed.
FILED.

080999 **[Special Assessment of Liens for Assessment of Cost - Department of Building Inspection]**

Resolution confirming report of Delinquent Charges for Code Enforcement cases with Delinquent assessment of costs, and Fees pursuant to the provisions of Section 102A.3, 102A.4, 102A.6 102A.12, 102A.16, 102A.17, 102A.18, 102A.19, 102A.20 et seq., 103A.3.3 Section 108A, Section 110A – Tables 1A-K and 1A-G, of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for Services rendered by said Department of Costs thereof having accrued pursuant to Code Violations referenced above.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Mirkarimi introduced, welcomed and presented Certificates of Honor to members of the San Francisco Police Department from the Park and Northern Stations and to Richard Johnson in recognition of the their efforts to provide safer communities in San Francisco.

Supervisor Peskin introduced, welcomed, and presented a Certificate of Honor to Dr. Amit Gosh in recognition of his 30 years of employment with the San Francisco Planning Department.

Supervisor Elsbernd introduced, welcomed and present Certificates of Honor to the Consul General and the Vice Consul General of Ireland in recognition of their service to the Irish community in San Francisco.

COMMITTEE REPORTS

080691 [Zoning - Hunters View SUD and the 40/65-X Height and Bulk District]
Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by adding Section 263.20 to establish special exceptions for heights within the HOPE SF Hunters View Special Use District and the 40/65-X Height and Bulk District, allowing residential buildings with conditional use authorization pursuant to Planning Code Sections 303 and 304 to have a maximum height of 65 feet; adopting environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

080692 [Zoning - Hunters View Special Use District]
Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by adding Section 249.39 to establish the HOPE SF Hunters View Special Use District, allowing the subdivision or portions of the site as individual lots to exceed the density of the underlying zoning district and allowing uses that are either principally or conditionally permitted within NC-1 districts to be principally permitted within the special use district; adopting environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

080693 **[Zoning Map Amendments - Hunters View]**
Supervisor Maxwell

Ordinance amending the Zoning Maps of the City and County of San Francisco, Sheet HT10, to change the Height and bulk Designation of Assessor's Block 4624, Lots 3, 4 and 9 and Block 4720, Lot 27 from 40-X to 40/65-X, Sheet ZN10, to change the Zoning Use Districts of Block 4720, Lot 27 from RH-2, NC-2 and M-1 to RM-1, and Sheet SU10, to designate Assessor's Block 4624, Lots 3, 4 and 9 and Block 4720, Lot 27 with the HOPE SF Hunters View Special Use District; adopting environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library
John Bardis; expressed concern with issues relating to major issues and decisions which drive the City's economy
Walter; shared in song appreciation of government
Taxi cab driver; expressed concern with issues relating to the taxi cab industry and urged support of Item 35 urging Yellow Cab Company to not require prepayments for deposits from taxicab drivers
Richard McRee; expressed concern issues with relating to his patent for Sigmond Stern Grove
John DiDonna; expressed concern with issues relating to the violations of human rights
Female speaker; expressed concern with issues relating to the redevelopment of the Hunters Point Area
Desiree Choy; expressed concern with issues relating to the Mayor's proposal to impose fines on the public for not sorting garbage properly
Male speaker; expressed appreciation for the new skate park
John Hung; expressed concern with issues relating to the taxi cab industry and urged support of Item 35 urging Yellow Cab Company to not require prepayments for deposits from taxicab drivers
John; expressed concern for the lack of funding for music programs in the SFUSD
David Miller; expressed concern with issues relating to the taxi cab industry and urged support of Item 35 urging Yellow Cab Company to not require prepayments for deposits from taxicab drivers
Rua Graffix; urged support of Item 35 urging Yellow Cab Company to not require prepayments for deposits from taxicab drivers
Male speaker; expressed concern with issues relating to the taxi cab industry and urged support of Item 35 urging Yellow Cab Company to not require prepayments for deposits from taxicab drivers

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

081065 **[Accept-Expend Grant Funds available through the San Francisco Foundation to fund the Youth Stewardship Program 2007-2008 - $18,000]**
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Recreation and Park Department to retroactively accept and expend a grant in the amount of $18,000 to support the San Francisco Recreation and Parks Department Youth Stewardship Program 2007-2008.

ADOPTED

081069 **[Urging Yellow Cab Cooperative, Inc. to not require prepayments or deposits from taxicab drivers]**
Supervisors Daly, Ammiano

Resolution urging Yellow Cab Cooperative, Inc. not to require deposits or prepayments from taxicab drivers as a condition of employment or contract and urging the Taxi Commission to adopt rules prohibiting the collection of deposits or prepayments.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed from the Without Reference to Committee Agenda

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

081070 **[Authorizing preparation of Proponent/Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 4, 2008 Election]**

Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 4, 2008 Election. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

APPROVED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Sandoval requested that this matter be severed so that it might be considered separately.

081066 **[Urging the Recreation and Park Commission and the San Francisco Housing Authority to thoroughly review the proposed plan to build a recycling and trash compacting center in McClaren Park]**
Supervisor Sandoval

Resolution urging the Recreation and Park Commission and the San Francisco Housing Authority to review for consistency with the City's general plan, the proposed plan to build a recycling and trash compacting center in McClaren Park.

REFERRED to the Land Use and Economic Development Committee.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

081052 **[Street Encroachment, Various Locations]**

Resolution granting revocable permission to Fisherman's Wharf Community Benefit District to occupy a portion of the public right-of-way to install and maintain a way-finding sign (a total of 10 signs) at the following locations: a) on the north side of Beach Street between Powell and Mason Streets, b) on the north side of Beach Street between Mason and Taylor Streets, c) on the north side of Beach Street between Jones and Leavenworth Streets, d) on the north side of Beach Street between Leavenworth and Hyde Streets, e) on the north side of Beach Street at Larkin Street, f) on the west side of Taylor Street between Jefferson and Beach Streets, g) on the west side of Taylor Street between Beach and North Point Streets, h) on the west side of Taylor Street between North Point and Bay Streets, i) on the east side of Leavenworth Street between Jefferson and Beach Streets, and j) on the east side of Hyde Street between Beach and North Point Streets conditioned upon the payment of an annual assessment fee, and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Public Works Department)

7/25/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

081067 **[Approval of one-year extension of professional services contract for the San Francisco Treasurer/Tax Collector for interactive voice response ("IVR") payment services for various City and County Departments]**

Resolution approving an extension of up to one-year for a professional services contract for the San Francisco Treasurer/Tax Collector for services to process credit card payment applications on interactive voice response ("IVR") systems for various City and County departments while contract with new vendor is negotiated. (Treasurer-Tax Collector)

7/22/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 4:29 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689*

MEETING MINUTES

VOTES

Tuesday, August 12, 2008 2:00 PM

**Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689**

Regular Meeting

***AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL***

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Commissioners Kim, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Ammiano, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty, Ammiano	1st and 3rd Thursday 10:00 AM

DOCUMENTS DEPT.

AUG 28 2008

SAN FRANCISCO
PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume Number

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:08 p.m. On the call of the roll Supervisors Ammiano and Sandoval were noted absent.

There was a quorum present.

Supervisors Ammiano and Sandoval were noted present at 2:09 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Dufty, moved to approve the Board Meeting Minutes for July 8, 2008, July 15, 2008, July 16, 2008 and July 22, 2008. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

080830 [Pre-Tax Commuter Benefits for Qualifying Transit]
Supervisor Mirkarimi

Ordinance amending the San Francisco Environment Code by adding a new Section 421 to require San Francisco employers to offer commuter benefits to encourage employees to use public transit or van pools; to authorize the Department of the Environment to implement an Emergency Ride Home program; and making environmental findings.

(Fiscal Impact.)

FINALLY PASSED

081016 **[Refunding City and County of San Francisco Finance Corporation Lease Revenue Bonds, Series 2000-1, Series 2000-2, and Series 2000-3 (Moscone Center Expansion Project)]**
Mayor

Ordinance approving the issuance of lease revenue refunding bonds to refinance, in whole and/or in part, the $144,300,000 outstanding City and County of San Francisco Finance Corporation Lease Revenue Bonds, Series 2000-1, Series 2000-2, and Series 2000-3 (Moscone Center Expansion Project); approving the form of a site and facilities lease by and between the City and County of San Francisco (the "City") and the City and County of San Francisco Finance Corporation (the "Corporation"); approving the form of a project lease between the Corporation and the City; approving the form of a reimbursement agreement among the City, the Corporation and each credit provider; approving the form of an Official Statement; approving the form of a purchase contract between the Corporation and each underwriter, including the form of a certificate of the City; granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said bonds; approving modifications to documents; and ratifying previous actions taken in connection therewith.

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

080478 **[Height Map Amendment - Rezoning Block 5323, Lots 13, 14, 14A, 15, 15A And 15B On Third Street And Mendell Street, From A 105-A Height And Bulk Limit To A 55-X Height And Bulk Limit]**
Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by amending Height Map HT 10 of the Zoning Map of the City and County of San Francisco to change height and bulk limit for Block 5323, lots 13, 14, 14A, 15, 15A and 15B, located at the intersection of Third Street and Mendell Street, from 105-A to 55-X; adopting findings, including environmental findings and findings of consistency the General Plan and the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

080441 **[Regulating Overtime for City Employees]**
Mayor, Supervisor McGoldrick

Ordinance amending Section 18.3-1 of the Administrative Code, to limit overtime hours worked in any fiscal year and to limit overtime to no more than 40 in a regular work week except for work performed for emergency or critical services needs, if such emergency or critical service need is approved by appropriate officials.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Government Audit and Oversight Committee

080592 **[Appropriating $272,515,000 of COP Revenue for the San Francisco Public Utilities Commission Electrical Reliability Power Project for Fiscal Year 2007-2008]**
Supervisors Maxwell, Peskin

Ordinance appropriating $272,515,000 of San Francisco Certificates of Participation 2008 Series B and 2008 Series C to fund the San Francisco Electrical Reliability Project also referred to as the Combustion Turbine projects in the Public Utilities Commission for FY 2007-2008.

(Supervisor Alioto-Pier dissented in committee.)

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Ordinance be RE-REFERRED to the Government Audit and Oversight Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080523 **[Approving agreements for the development of the City Combustion Turbine Projects at San Francisco International Airport and at 25th and Maryland Streets]**
Supervisors Maxwell, Dufty, McGoldrick, Peskin

Ordinance approving agreements necessary for the development of the City Combustion Turbine Projects to be located at North Access Road and Clearwater Drive, San Francisco International Airport, and at Property Adjacent to the MTA Metro East Facility at 25th and Maryland Streets in San Francisco including a turbine upgrade agreement and electric and gas interconnection agreements and granting specified exceptions to the Administrative Code, and making environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section. 101.1.

(Supervisor Alioto-Pier dissented in Committee.)

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Ordinance be RE-REFERRED to the Government Audit and Oversight Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080577 [Approving agreements for the development of the City Combustion Turbine Projects at San Francisco International Airport and at 25th and Maryland Streets and adopting environmental findings]

Supervisors Maxwell, Dufty, McGoldrick, Peskin

Resolution approving agreements necessary for the development of the City Combustion Turbine Projects to be located at North Access Road and Clearwater Drive, San Francisco International Airport, and at Property Adjacent to the MTA Metro East Facility at 25th and Maryland Streets in San Francisco, including a design-build agreement and a power purchase agreement; and approving property agreements, including a jurisdictional transfer of property to accommodate the proposed projects, subject to further agreements among the affected City departments; and making environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Resolution be RE-REFERRED to the Government Audit and Oversight Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080524 [Authorizing the execution and delivery of certificates of participation to finance the San Francisco Combustion Turbine Projects and approving property leases, project leases and a trust agreement in connection therewith]

Supervisors Maxwell, Dufty, McGoldrick, Peskin

Resolution authorizing the execution and delivery of certificates of participation to finance the acquisition, construction, installation and equipping of natural gas-fired combustion turbine generation facilities on City-owned property located at 25th and Maryland Street in the Potrero neighborhood and at the San Francisco International Airport at the corner of North Access Road and Clearwater Drive; approving the form of a trust agreement between the City and County of San Francisco and a trustee (including certain indemnities contained therein); authorizing the selection of a trustee; approving the forms of property leases between the City and the trustee relating to the Potrero site and to the San Francisco International Airport site; approving the forms of project leases between the trustee and the City (including certain indemnities contained therein) relating to each of the two Projects; approving the form of a Memorandum of Understanding between the San Francisco Public Utilities Commission and the City; approving the form of an official notice of sale and notice of intention to sell for the certificates of participation; approving the form of an official statement in preliminary and final form; approving the form of a continuing disclosure certificate; and ratifying previous actions taken in connection therewith.

(Supervisor Alioto-Pier dissented in Committee.)

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Resolution be RE-REFERRED to the Government Audit and Oversight Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Land Use and Economic Development Committee

080691 [Zoning - Hunters View SUD and the 40/65-X Height and Bulk District]
Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by adding Section 263.20 to establish special exceptions for heights within the Hunters View Special Use District and the 40/65-X Height and Bulk District, allowing residential buildings with conditional use authorization pursuant to Planning Code Sections 303 and 304 to have a maximum height of 65 feet; adopting environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

080692 [Zoning - Hunters View Special Use District]
Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by adding Section 249.39 to establish the Hunters View Special Use District, allowing the subdivision or portions of the site as individual lots to exceed the density of the underlying zoning district and allowing uses that are either principally or conditionally permitted within NC-1 districts to be principally permitted within the special use district; adopting environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

080693 [Zoning Map Amendments - Hunters View]
Supervisor Maxwell

Ordinance amending the Zoning Maps of the City and County of San Francisco, Sheet HT10, to change the Height and Bulk Designation of Assessor's Block 4624, Lots 3, 4 and 9 and Block 4720, Lot 27 from 40-X to 40/65-X, Sheet ZN10, to change the Zoning Use Districts of Block 4720, Lot 27 from RH-2, NC-2 and M-1 to RM-1, and Sheet SU10, to designate Assessor's Block 4624, Lots 3, 4 and 9 and Block 4720, Lot 27 with the Hunters View Special Use District; adopting environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

From the Land Use and Economic Development Committee Without Recommendation

080282 [Off-Site Residential Inclusionary Affordable Housing Requirements]
Supervisors Sandoval, Daly

Ordinance amending Section 315.5 of the Planning Code to provide that twenty-five percent of off-site units given site permits annually may be built outside of the currently-required one-mile radius from the market-rate project, and to provide that off-site units cannot be located in industrially-zoned areas or within a quarter mile of developments containing 200 or more publicly-owned and operated affordable housing developments.

FINALLY PASSED by the following vote:
Ayes: 8 - Chu, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Ammiano, Maxwell

NEW BUSINESS

Recommendations of the Budget and Finance Committee

080656 [Public Employment and Accept-Expend Federal Grant - Amendment to the Annual Salary Ordinance, FY 2008-2009. Mayor's Summer Food Service Program and After School Snack Program - 2008 - $950,710]
Supervisor Maxwell

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-2009) to reflect the addition of one position (0.40 FTE) 9774 Sr. Community Development Specialist, one position (0.40 FTE) 1840 Jr. Management Assistant, and thirteen positions (1.04 FTE) 9910 Public Service Trainee in the Department of Children, Youth and Families (CHF), and authorizing the department to accept and expend a grant in the amount of $950,710, currently and retroactively, if necessary, from the United States Department of Agriculture to sponsor the 2008 Mayor's Summer Food Program and the After School Snack Program.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080957 [WSIP Agreement No. CS-913, Bay Tunnel Project Construction Management Services]
Resolution authorizing the General Manager of the Public Utilities Commission to execute a professional services agreement with Jacobs Engineering for an amount not to exceed $18,000,000 to provide construction management services for the Bay Tunnel Project. (Public Utilities Commission)

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081023 **[Board Review and Approval of 2008 U.S. Department of Housing and Urban Development Continuum of Care Programs Application]**

Resolution approving the City and County of San Francisco 2008 grant Application for the United States Department of Housing and Urban Development Continuum of Care Programs and fulfilling the San Francisco Board of Supervisors review and approval process for all annual or otherwise recurring grants of $5,000,000 or more. (Human Services Department)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081017 **[Supporting full funding of Proposition 42 in the FY 2008-09 California State Budget]**

Mayor

Resolution urging the California State Legislature to fully fund Proposition 42 as proposed by the Governor in the Fiscal Year 2008-09 California State Budget and supported by the Budget Conference Committee.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081003 **[Approval of Agreement between the City and County of San Francisco and Cubic Transportation Systems, Inc. for Farebox System Rehabilitation and Upgrades, for a contract term of twenty-six (26) months and an amount not-to-exceed $19,000,000]**

Supervisor Dufty

Resolution approving the Agreement between the City and County of San Francisco, through the San Francisco Municipal Transportation Agency, and Cubic Transportation Systems, Inc. for Fare System Rehabilitation and Upgrades Project.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081035 **[Agreement with Cypress Security LLC. for Armed and Unarmed Security Guard Services]**

Supervisor Dufty

Resolution authorizing a three year agreement, with option to renew for up to an additional three years, with Cypress Security LLC. for an amount not to exceed $15.8 million.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081037 [Multifamily Housing Revenue Bonds - Zygmunt Arendt House]
Supervisor Mirkarimi

Resolution authorizing the issuance and delivery of multifamily housing revenue bonds (as defined herein) in an aggregate principal amount not to exceed $10,500,000 for the purpose of providing financing for a multifamily rental housing project to be known as Zygmunt Arendt House; approving the form of and authorizing the execution of a trust indenture providing the terms and conditions of the Bonds; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the form of and authorizing the execution of a loan agreement; ratifying and approving any action heretofore taken in connection with the Bonds and the project; and granting general authority to City officials to take actions necessary to implement this Resolution.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081059 [Acceptance of State Grant Funds, Department of Public Works - $450,000]
Supervisor McGoldrick

Resolution authorizing the Department of Public Works to accept and expend state Transportation Development Act (TDA) Article 3 funds totaling $450,000 for FY 2008-09 for various pedestrian projects in the City and County of San Francisco.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081067 [Approval of one-year extension of professional services contract for the San Francisco Treasurer/Tax Collector for interactive voice response ("IVR") payment services for various City and County Departments]

Resolution approving an extension of up to one-year for a professional services contract for the San Francisco Treasurer/Tax Collector for services to process credit card payment applications on interactive voice response ("IVR") systems for various City and County departments while contract with new vendor is negotiated. (Treasurer-Tax Collector)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Budget and Finance Committee Without Recommendation

080731 [Revocation of Permit for U.N. Plaza Collectible/Antiques Market]
Mayor

Resolution revoking the permit for a collectible/antiques market at U.N. Plaza.

ADOPTED by the following vote:

Ayes: 7 - Alioto-Pier, Chu, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 4 - Ammiano, Daly, Dufty, Maxwell

Recommendations of the Land Use and Economic Development Committee

080856 **[Mission Bay South-Acceptance of Land and Improvements on Third Street for Blocks 17, 20 and 23]**

Ordinance accepting the Mission Bay Blocks 17, 20, 23 Public Improvements-Phase 1; approving the dedication of the strip of land 5.00 feet in width, along the west side of Third Street for right-of-way purposes; designating street grades and sidewalk widths; accepting the irrevocable offer for the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 177,603; and authorizing official acts in connection with this ordinance. (Public Works Department)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080857 **[Mission Bay South-Acceptance of Land and Improvements for the 7th and 16th Street Intersection]**

Ordinance accepting the dedication for public street and roadway purposes of the two (2) portions of properties adjacent to 16th Street and accepting the irrevocable offer for the 7th and 16th Street Intersection Infrastructure Improvements; designating street grades and accepting the irrevocable offer for the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 177,604; and authorizing official acts in connection with this ordinance. (Public Works Department)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recess

The Board recessed at the hour of 2:56 p.m.

Reconvening of the Board

The Board, at the hour of 3:33 p.m. reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present: Supervisors Alioto-Pier, Ammiano,Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval - 11

Quorum present.

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Peskin welcomed, introduced, and presented Certificates of Honor to dignitaries visiting from Azerbaijah.

Supervisor Peskin welcomed, introduced, and presented Certificates of Honor to members of the Ballot Simplification Committee.

Supervisor Peskin welcomed friends of Nate Ratner in the dedication of a bench to be named in honor of Nate Ratner. Judge Quentin L. Kopp, Steve Cornell and Caroline Marks spoke in appreciation of this honor for Nate Ratner. Supervisor Peskin presented a Certificate of Honor to the friends of Nate Ratner.

SPECIAL ORDER 3:30 P.M

Supervisor Ammiano was noted absent at 4:05 p.m.
Supervisor Sandoval was noted absent at 4:20 p.m.
Supervisor Sandoval was noted present at 4:33 p.m.

080888 **[Public Hearing - Appeal of Tentative Final Map for 1420 Turk/1535 Eddy Streets]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated June 5, 2008, disapproving a proposed Tentative Final Map for a 325 unit residential condominium located at 1420 Turk Street and 1535 Eddy Street, Lot 019 in Assessor's Block 0750. (Appellant: Timothy A. Tosta)

(Filed June 16, 2008; companion measure to Files 080889, 080890, 080891; District 5.)

The President inquired as to whether any member of the public wished to address the Board members.
Tim Tosta, Attorney for the appellant
Bruce Storrs, Department of Public Works, Representative and AnMarie Rodgers, Planning Department Representative and Jim Morales, Attorney for the Redevelopment Agency reviewed with the Board their recommendations.
Rebuttal Period: Tim Tosta, Attorney for the appellant
The President declared the public hearing closed.
FILED.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Tentative Final Map described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

080889 **[Approving the decision of the Director of Public Works and disapproving the Tentative Final Map for 1420 Turk Street and 1535 Eddy Street]**

Motion approving the decision of the Director of Public Works and disapproving the Tentative Final Map for a 325-unit condominium subdivision located at 1420 Turk Street and 1535 Eddy Street, Assessor's Block 0750, Lot 019. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 7 - Chu, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Alioto-Pier, Elsbernd
Absent: 2 - Ammiano, Sandoval

080890 **[Disapproving the decision of the Director of Public Works and approving the Tentative Final Map for 1420 Turk Street and 1535 Eddy Street]**

Motion disapproving the decision of the Director of Public Works and approving the Tentative Final Map for a 325-unit condominium subdivision located at 1420 Turk Street and 1535 Eddy Street, Assessor's Block 0750, Lot 019. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Chu, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Alioto-Pier, Elsbernd
Absent: 2 - Ammiano, Sandoval

080891 **[Findings - 1420 Turk Street and 1535 Eddy Street]**

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision concerning a Tentative Final Map for a 325-unit condominium subdivision located at 1420 Turk Street and 1535 Eddy Street, Assessor's Block 0750, Lot 019. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 7 - Chu, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Alioto-Pier, Elsbernd
Absent: 2 - Ammiano, Sandoval

SPECIAL ORDER 3:30 P.M.

080892 **[Public Hearing - Appeal of Tentative Final Map for 1345 Fillmore Street]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated June 5, 2008, disapproving a proposed Tentative Final Map for a 330 unit residential condominium located at 1345 Fillmore Street, Lots 018, 20 through 67, in Assessor's Block 0731. (Appellant: Timothy A. Tosta)

(Filed June 16, 2008; Companion measure to Files 080893, 080894, 080895; District 5.)

The President inquired as to whether any member of the public wished to address the Board members.
Tim Tosta, Attorney for the appellant
Bruce Storrs, Department of Public Works, Representative and AnMarie Rodgers, Planning Department Representative and Jim Morales, Attorney for the Redevelopment Agency reviewed with the Board their recommendations.
Rebuttal Period: Tim Tosta, Attorney for the appellant
The President declared the public hearing closed.
FILED.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Tentative Final Map described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

080893 **[Approving the decision of the Director of Public Works and disapproving the Tentative Final Map for 1345 Fillmore Street]**

Motion approving the decision of the Director of Public Works and disapproving the Tentative Final Map for a 330-unit condominium subdivision located at 1345 Fillmore Street, Assessor's Block 0731, Lots 018 and 20 through 67. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 7 - Chu, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Alioto-Pier, Elsbernd
Absent: 2 - Ammiano, Sandoval

080894 **[Disapproving the decision of the Director of Public Works and approving the Tentative Final Map for 1345 Fillmore Street]**

Motion disapproving the decision of the Director of Public Works and approving the Tentative Final Map for a 330-unit condominium subdivision located at 1345 Fillmore Street, Assessor's Block 0731, Lots 018 and 20 through 67. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Chu, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Alioto-Pier, Elsbernd
Absent: 2 - Ammiano, Sandoval

080895 **[Findings - 1345 Fillmore Street Tentative Final Map]**

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision concerning a Tentative Final Map for a 330-unit condominium subdivision located at 1345 Fillmore Street, Assessor's Block 0731, Lots 018 and 20 through 67. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 7 - Chu, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Alioto-Pier, Elsbernd
Absent: 2 - Ammiano, Sandoval

SPECIAL ORDER 3:30 P.M.

081042 **[Public Hearing - Appeal of Tentative Parcel Map for 628-632 Steiner Street]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated July 14, 2008, disapproving a Tentative Parcel Map for a 3-unit condominium conversion project located at 628-632 Steiner Street, Assessor's Block 0822, Lot 024. (Appellant: Alain Calefas)

(Filed July 22, 2008; companion measure to Files 081043, 081044, 081045; District 5.)

The President inquired as to whether any member of the public wished to address the Board members.
Appellant
Bruce Storrs, Department of Public Works, Representative and AnMarie Rodgers, Planning Department Representative reviewed with the Board members their recommendations.

The President declared the public hearing closed.
FILED.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Tentative Parcel Map described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

081043 **[Approving the decision of the Director of Public Works and disapproving the Tentative Parcel Map for 628-632 Steiner Street]**

Motion approving the decision of the Director of Public Works and disapproving the Tentative Parcel Map for a 3-unit condominium conversion subdivision located at 628-632 Steiner Street, Assessor's Block 0822, Lot 024.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

081044 **[Disapproving the decision of the Director of Public Works and approving the Tentative Parcel Map for 628-632 Steiner Street]**

Motion disapproving the decision of the Director of Public Works and approving the Tentative Parcel Map for a 3-unit condominium conversion subdivision located at 628-632 Steiner Street, Assessor's Block 0822, Lot 024.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be APPROVED AS AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

081045 **[Findings - 628-632 Steiner Street]**

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision concerning a Tentative Parcel Map for a 3-unit condominium conversion subdivision located at 628-632 Steiner Street, Assessor's Block 0822, Lot 024.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

SPECIAL ORDER 4:00 P.M.

080927 [Public Hearing - Appeal of Mitigated Negative Declaration - 300 Grant Avenue]

Hearing of persons interested in or objecting to the decision of the Planning Department adopted and issued on June 12, 2008, approving a Mitigated Negative Declaration (File Number 2004.1245E) for the proposed development at 300 Grant Avenue. The proposal would demolish two commercial buildings, construct a new, 111,000 gross square-feet, 10-story, mixed-use building containing approximately 45 dwelling units, below-grade parking and ground floor and second floor retail on two lots (Lots 13 and 14, Assessors Block 0287) in the C-3-R (Downtown Retail) district within the Kearny-Market-Mason-Sutter Conservation District. (Appellant: Sue C. Hestor on behalf of Alan and Paola Habegger, David Anders and Kenneth and Anna Zankel, residents of The Landmark at 333 Grant Avenue)

(Filed 7/2/08; companion measure to 080928, 080929, 080930; District 3.)

The President inquired as to whether any member of the public wished to address the Board members.
Sue Hestor, Attorney for the appellant
Nannie Turrell and Adam Light, Planning Department Representatives reviewed with the Board members their recommendation.
Al Haberger; support of the appellant
Female speaker; support of the appellant
Shelba Campbell, Project sponsor manager
Vincent Marsh; support of the project sponsor
Kenneth Coleman; support of the project sponsor

Rebuttal Period: Sue Hestor, Attorney for the appellant
President declared the public hearing closed.
FILED.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the mitigated negative declaration decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

080928 [Affirm adoption of the mitigated negative declaration for the 300 Grant Avenue project]

Motion affirming Planning Commission adoption of the final mitigated negative declaration for the 300 Grant Avenue project. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Chu, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier
Absent: 2 - Ammiano, Maxwell

080929 [Reversing adoption of the mitigated negative declaration for the 300 Grant Avenue project]

Motion reversing the Planning Commission adoption of the final mitigated negative declaration for the 300 Grant Avenue project. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Chu, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier
Absent: 2 - Ammiano, Maxwell

080930 **[Preparation of findings to reverse adoption of the mitigated negative declaration for the 300 Grant Avenue project]**

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the final mitigated negative declaration for the 300 Grant Avenue project. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Chu, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier
Absent: 2 - Ammiano, Maxwell

COMMITTEE REPORTS

080936 **[Reappointment, Planning Commission - Michael Antonini]**

Motion approving the Mayor's reappointment of Michael Antonini to the Planning Commission term ending July 1, 2012. (Mayor)

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 080937. Transmittal date – July 8, 2008.)

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Ammiano, Daly

080937 **[Reappointment, Planning Commission - Michael Antonini]**

Motion rejecting the Mayor's reappointment of Michael Antonini to the Planning Commission term ending July 1, 2012. (Mayor)

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 080936. Transmittal date – July 8, 2008.)

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080938 **[Reappointment, Planning Commission - Ron Miguel]**

Motion approving the Mayor's reappointment of Ron Miguel to the Planning Commission term ending July 1, 2012. (Mayor)

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 080939. Transmittal date – July 8, 2008.)

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080886 **[Changing the name of the Department of Telecommunications and Information Services to the Department of Technology]**

Mayor

Ordinance changing the name of the Department of Telecommunications and Information Services to the Department of Technology, and amending San Francisco Administrative Code Sections 11.84, 11.85, 11.86, and 11.88, to implement the name change.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080019 **[Implementing the Controller's Whistleblower Program]**

Supervisors Mirkarimi, Dufty

Ordinance amending the Campaign and Governmental Conduct Code by amending Sections 4.100 and 4.115 and adding Sections 4.107 and 4.123 to implement the provisions of Charter Appendix F1.107 for the operation of the Controller's Whistleblower Program, to protect the confidentiality of whistleblowers and the investigation of complaints, and to provide protection from retaliation, and repealing Section 4.125 and adding a new Section 4.125 to prohibit the furnishing of false information in, and require cooperation with, whistleblower investigations conducted by the Controller or any other officer or department. (Controller)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080272 **[Requiring registered lobbyists to wear identification badges when making lobbying contacts]**

Supervisor Daly

Ordinance amending Chapter 1 of Article II of the Campaign and Governmental Conduct Code by adding section 2.113 to require registered lobbyists to wear identification badges distributed by the Ethics Commission when making lobbying contacts.

(8/7/08, Supervisor Dufty dissenting in committee).

NOT PASSED ON FIRST READING by the following vote:

Ayes: 4 - Ammiano, Daly, Mirkarimi, Peskin
Noes: 7 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Sandoval

080564 **[Establishing a Reentry Council]**
Supervisor Mirkarimi

Ordinance amending the San Francisco Administrative Code by adding Sections 5.1-1 through 5.1-6 to: establish a Reentry Council; set forth the Council's purpose, powers and duties; and establish membership criteria.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080985 **[Appointment, Public Utilities Commission - Francesca Vietor]**

Motion confirming the Mayor's appointment of Francesca Vietor to the Public Utilities Commission, Seat 1, for the term ending August 1, 2012. (Mayor)

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081053 **[Accept-expend gift - $100,000]**
Supervisor Chu

Resolution authorizing the Department of Public Works (DPW) to accept a gift in the amount of $100,000 from American Express to plant approximately 1,000 trees on Sunset Boulevard allowing the use of the City's corporate seal under certain conditions, and allowing the Director of Public Works to sign an agreement that includes provisions for alternative dispute resolution.

(Supervisor McGoldrick dissented in Committee.)

Supervisor Chu, seconded by Supervisor McGoldrick, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081026 **[Approval of the 12-month cost extension application for HIV prevention projects for 2008 - $8,800,000]**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to submit a 12-month cost extension application in order to continue to receive funding for the HIV prevention projects grant from the Centers for Disease Control and Prevention (CDC); in the amount of approximately $8,800,000 in HIV prevention funding for San Francisco, extending the project period from December 31, 2008 to December 31, 2009. (Public Health Department)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081054 [Grant to support the Peer Provider Project - $225,000]
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively funds from the California Wellness Foundation in the amount of $225,000 to support the Peer Provider Project, including a contract with Huckleberry Youth Programs in the total amount of $59,400; for the period of July 1, 2008 through June 30, 2011.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081063 [Accept-expend state grant, Mayor's Office of Criminal Justice (MOCJ) - $2,294,774]
Supervisor Elsbernd

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to accept and expend funds in the amount of $2,294,774 from the State Corrections Standards Authority (CSA), from funds made available under Senate Bill 736 – known as the Juvenile Justice Crime Prevention Act (JJCPA) – for programs and approaches that have been demonstrated to be effective in reducing delinquency, for the period of July 1, 2008 to June 30, 2009.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081064 [Accept-expend state grant, Mayor's Office of Criminal Justice (MOCJ) - $100,583]
Supervisor Elsbernd

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to accept and expend a grant in the amount of $100,583 from the State Corrections Standards Authority for the purposes of implementing local juvenile justice accountability measures through the Juvenile Accountability Block Grant (JABG).

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library
Daniel; expressed concern with issues relating to the Police Commission and the Office Citizen's Complaint and the SF Police Department
Peter Warfield; expressed concern with issues relating to the SF Public Library and the Library fees
SF State student; support of new power source
Lisa Gomes; expressed concern with issues relating to the Tenderloin area and the violence which occurs and the need to redevelop this area
Brent Turner; expressed support of the mock elections currently conducted in San Francisco

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

081104 [Urging the Recreation and Park Department to re-install park benches in Civic Center Plaza]
Supervisor Maxwell

Resolution urging the prioritization of resources to re-install park benches in Civic Center Plaza.

ADOPTED

081105 [Opposing fiscally irresponsible State budget decisions]
Supervisor Maxwell

Resolution opposing fiscally irresponsible State budget decisions that would "borrow" local government, redevelopment and transportation funds.

ADOPTED

081106 [Urging the Recreation and Park Commission to beautify, landscape, and improve the neglected lot on the southwest end of McLaren Park]
Supervisor Maxwell

Resolution urging the prioritization of resources to beautify and improve the neglected and blighted southwest corner of McLaren Park, opposite the Sunnydale Public Housing Complex.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

IMPERATIVE AGENDA

081113 [Celebrating twelve-and-a-half years of Trannyshack at Stud Bar]
Supervisor Dufty

Resolution celebrating twelve-and-a-half years of Trannyshack at Stud Bar.

8/12/08, ADOPTED.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Dufty, seconded by Supervisor Elsbernd, moved ADOPTION of the purely Commendatory finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Dufty, seconded by Supervisor Elsbernd, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

PROPOSED ORDINANCES

081074 [Changing the official sidewalk width - Harrison Street]

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1581 to change the official sidewalk width on the north side of Harrison Street east of Fourth Street; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

7/31/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

081078 **[Personal Wireless Service Facilities Site Permits]**

Ordinance amending the San Francisco Administrative Code by amending section 11.9 to: (1) establish new standards for review by the Planning Department and the Recreation and Park Department of applications for personal wireless service facilities site permits; (2) establish the right to protest the grant or denial of applications for personal wireless service facilities site permits; (3) authorize the Department of Public Works to establish certain requirements for all applications for personal wireless service facilities site permits; (4) change certain fees applicable to personal wireless service facilities site permits; (5) extend the term of personal wireless service facilities site permits; and (6) make specified technical changes to the application process and requirements for personal wireless service facilities site permits. (Public Works Department)

8/4/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/11/2008.

PROPOSED RESOLUTIONS

081071 **[Approval of CPMC Lease Termination Agreement at One South Van Ness Avenue]**

Resolution approving a Lease Termination Agreement between the City, as landlord, and CPMC, as tenant, for approximately 127,638 square feet of office space on the 4th and 8th floors of One South Van Ness Avenue, and the subsequent occupancy of the 4th floor space by the Department of Human Resources and the 8th floor space by the Municipal Transportation Agency. (Real Estate Department)

7/28/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081072 **[Authorizing the Sheriff to execute contracts with the State and accept and expend funds associated with a Secure Reentry Program Facility]**

Resolution authorizing the Sheriff's Department to execute contracts with the California Department of Corrections and Rehabilitation (CDCR) and accept and expend funds associated with the contracts. The purpose of the contract is to establish a pilot San Francisco County Secure Reentry Program Facility (SRPF) that will provide up to 12 months of intensive, in-custody evidence based reentry programming which will address the offender's underlying employment, mental health and substance abuse issues. This will be followed by 12 months of accountability based out-of-custody reentry programming. (Sheriff)

7/30/08, RECEIVED AND ASSIGNED to Public Safety Committee.

081073 **[Approving Modification to the Cooperative Agreement between the Treasure Island Development Authority and the U.S. Navy]**

Resolution approving and authorizing the Treasure Island Development Authority to enter into a Modification to the Cooperative Agreement with the U.S. Navy to extend the Cooperative Agreement from October 1, 2008 to September 30, 2009. (Treasure Island Development Authority)

7/31/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081075 **[Airport Concession Lease]**

Resolution approving the Boarding Area "F" Pharmacy, Health and Beauty Store Lease between Harmony Pharmacy and Health Center, Inc. and the City and County of San Francisco, acting by and through its Airport Commission.

8/1/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081077 **[Approval of Mental Health Services Act (MHSA) FY08-09 Annual Community Services and Supports Plan Update]**

Resolution authorizing adoption of the Mental Health Services Act Fiscal Year 2008-2009 Annual Community Services and Supports (CSS) Plan Update and modification of Contract No. 07-77338-000 to include this Annual Update in the agreement. (Public Health Department)

8/4/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081079 **[Amendment to Leases of Real Property at 3120 Mission and 3425 Cesar Chavez Streets]**

Resolution authorizing the Amendment to Leases at 3120 Mission and 3425 Cesar Chavez Streets for the Department of Human Services. (Real Estate Department)

8/4/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:27 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on September 9, 2008.

Angela Calvillo
Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

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Tuesday, September 9, 2008 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Commissioners Kim, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Ammiano, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty, Ammiano	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll Supervisors Alioto-Pier and McGoldrick were noted absent.

There was a quorum present.

Supervisors Alioto-Pier and McGoldrick were noted present at 2:07 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved to approve the Board Meeting Minutes of July 29, 2008 and August 5, 2008. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

COMMUNICATIONS

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

080656 **[Public Employment and Accept-Expend Federal Grant - Amendment to the Annual Salary Ordinance, FY 2008-2009. Mayor's Summer Food Service Program and After School Snack Program - 2008 - $950,710]**

Supervisor Maxwell

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-2009) to reflect the addition of one position (0.40 FTE) 9774 Sr. Community Development Specialist, one position (0.40 FTE) 1840 Jr. Management Assistant, and thirteen positions (1.04 FTE) 9910 Public Service Trainee in the Department of Children, Youth and Families (CHF), and authorizing the department to accept and expend a grant in the amount of $950,710, currently and retroactively, if necessary, from the United States Department of Agriculture to sponsor the 2008 Mayor's Summer Food Program and the After School Snack Program.

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

080856 [Mission Bay South-Acceptance of Land and Improvements on Third Street for Blocks 17, 20 and 23]

Ordinance accepting the Mission Bay Blocks 17, 20, 23 Public Improvements-Phase 1; approving the dedication of the strip of land 5.00 feet in width, along the west side of Third Street for right-of-way purposes; designating street grades and sidewalk widths; accepting the irrevocable offer for the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 177,603; and authorizing official acts in connection with this ordinance. (Public Works Department)

FINALLY PASSED

080857 [Mission Bay South-Acceptance of Land and Improvements for the 7th and 16th Street Intersection]

Ordinance accepting the dedication for public street and roadway purposes of the two (2) portions of properties adjacent to 16th Street and accepting the irrevocable offer for the 7th and 16th Street Intersection Infrastructure Improvements; designating street grades and accepting the irrevocable offer for the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 177,604; and authorizing official acts in connection with this ordinance. (Public Works Department)

FINALLY PASSED

Recommendations of the Rules Committee

080886 [Changing the name of the Department of Telecommunications and Information Services to the Department of Technology]

Mayor

Ordinance changing the name of the Department of Telecommunications and Information Services to the Department of Technology, and amending San Francisco Administrative Code Sections 11.84, 11.85, 11.86, and 11.88, to implement the name change.

FINALLY PASSED

080019 [Implementing the Controller's Whistleblower Program]

Supervisors Mirkarimi, Dufty

Ordinance amending the Campaign and Governmental Conduct Code by amending Sections 4.100 and 4.115 and adding Sections 4.107 and 4.123 to implement the provisions of Charter Appendix F1.107 for the operation of the Controller's Whistleblower Program, to protect the confidentiality of whistleblowers and the investigation of complaints, and to provide protection from retaliation, and repealing Section 4.125 and adding a new Section 4.125 to prohibit the furnishing of false information in, and require cooperation with, whistleblower investigations conducted by the Controller or any other officer or department. (Controller)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed from the Consent Agenda

Supervisor Mirkarimi requested that this matter be severed so that it might be considered separately.

080564 [Establishing a Reentry Council]
Supervisor Mirkarimi

Ordinance amending the San Francisco Administrative Code by adding Sections 5.1-1 through 5.1-6 to: establish a Reentry Council; set forth the Council's purpose, powers and duties; and establish membership criteria.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

081146 [Findings - Disapproval of the Tentative Map for 1345 Fillmore Street]

Motion adopting findings concerning the disapproval of a Tentative Map for a 330-unit condominium subdivision located at 1345 Fillmore Street, Assessor's Block 0731, Lots 018 and 20 through 67.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081147 [Findings - Disapproval of the Tentative Map for 1420 Turk Street and 1535 Eddy Street]

Motion adopting findings concerning the disapproval of a Tentative Map for a 325-unit condominium subdivision located at 1420 Turk Street and 1535 Eddy Street, Assessor's Block 0750, Lot 019.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081148 [Findings - Approval of the Tentative Parcel Map for 628-632 Steiner Street]

Motion adopting findings concerning the approval with conditions of a Tentative Parcel Map for a 3-unit condominium conversion subdivision located at 628-632 Steiner Street, Assessor's Block 0822, Lot 024.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendations of the City Operations and Neighborhood Services Committee

080686 [Landmark tree designation of Monterey Cypress at 2626 Vallejo Street]
Supervisor Alioto-Pier

Ordinance designating the Monterey Cypress at 2626 Vallejo Street (Assessor's Block 0953, Lot 006) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080687 [Landmark designation of Manzanita at 115 Parker Avenue]
Supervisor Alioto-Pier

Ordinance designating the Manzanita at 115 Parker Street (Assessor's Block 1064, Lot 002) as a landmark notwithstanding the provisions contained in the Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark designation.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080935 [Urging SFUSD to reconsider current school assignment system]
Supervisors Chu, Alioto-Pier

Resolution urging the San Francisco Unified School District (SFUSD) to reconsider the current school assignment system for K-12 admissions and place greater emphasis on geographic considerations for school assignments.

(Supervisor McGoldrick dissenting in Committee.)

Supervisor Alioto-Pier requested to be added as a co-sponsor.

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved that this Resolution be REFERRED to the City and School District Select Committee. The motion carried by the following vote:
Ayes: 7 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 4 - Alioto-Pier, Chu, Elsbernd, Sandoval

Recommendations of the Government Audit and Oversight Committee

080233 [Urban Forestry Council - Membership]
Supervisor McGoldrick

Ordinance amending the San Francisco Environment Code by amending Section 1202 to reconstitute the membership of the Urban Forestry Council to eleven members.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081014 [In-Home Supportive Services - Public Authority]
Supervisor Peskin

Ordinance amending Administrative Code Chapter 70, regarding the In-Home Supportive Services Public Authority, to eliminate obsolete terms and amending Section 70.2 to provide compensation for members of the governing body for attending meetings.

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Alioto-Pier Was Excused from Voting

Supervisor Dufty, seconded by Supervisor Chu, moved to excuse Supervisor Alioto-Pier, at her request, because of a possible conflict of interest, from voting. The motion carried by the following vote:
Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

081056 [Issuance and Sale of Revenue Bonds - Schools of the Sacred Heart - Not to exceed $35,000,000]
Supervisor Dufty

Resolution approving in accordance with Section 147(f) of the Internal Revenue Code and requirements of Section 91530(f) of the Government Code the issuance and sale of revenue bonds by the ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed $35,000,000 to finance educational projects owned and operated by the Schools of Sacred Heart - San Francisco.

ADOPTED by the following vote:
Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Recommendations of the Land Use and Economic Development Committee

Supervisors Daly and Dufty Were Excused From Voting

Supervisor Mirkarimi, seconded by Supervisor Ammiano, moved to excuse Supervisors Daly and Dufty, at their request, because of a possible conflict of interest, from voting. The motion carried by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 2 - Daly, Dufty

080235 [First Source Hiring Ordinance - expanding scope of covered permits in Market and Octavia Plan]
Supervisor Mirkarimi

Ordinance amending the San Francisco Administrative Code by amending Sections 83.2, 83.4, and 83.6 to: (1) expand the scope of permits that the ordinance applies to in the Market and Octavia Area Plan; (2) place new reporting requirements on the First Source Hiring Administration that include reporting first source statistics on permittees, as defined under the ordinance, and (3) require contractors and permittees to cooperate with reasonable requests for information from the First Source Hiring Administration.

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 2 - Daly, Dufty

080521 [Citywide Affordable Housing Preference for Certificate of Preference Holders]
Supervisors Mirkarimi, Dufty, Maxwell

Ordinance providing that all City affordable housing programs give preference in those programs to Certificate of Preference Holders under the San Francisco Redevelopment Agency's Property Owner and Occupant Preference Program by adding Administrative Code Section 24.8 to provide that all City affordable housing programs administered by the Mayor's Office of Housing or other City Department give preference in those programs to Certificate of Preference holders; and amending Administrative Code Sections 43.3.4 to provide for preference in the affordable housing and home ownership bond program; Section 10.100-110 to provide for preference in the expenditure of funds from the Mayor's Housing Affordability Fund; 10-100-370 to provide for preference in the use of HOPE SF funds; and amending Planning Code Sections 313.12, 315.4, 315.5, and 315.6 to provide for preference in the Citywide Affordable Housing funds generated by the Jobs-Housing Linkage Program and the Residential Inclusionary Affordable Housing program and in the allocation of all on- and off-site inclusionary housing units in those programs.

Continued to September 23, 2008

Supervisor Mirkarimi, seconded by Supervisor Ammiano, moved that this Ordinance be CONTINUED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Rules Committee Without Recommendation

080818 [Recreation and Park - San Francisco Zoo Policies and Oversight]
Supervisor Daly

Ordinance adding Section 5.10 to the San Francisco Park Code to establish the San Francisco Zoo as a facility that primarily houses wildlife, domestic and exotic animals acquired from rescue situations, donations, and/or confiscations by law enforcement authorities; is committed to education and conservation, and makes animal welfare a priority; and to establish a Zoo Animal Welfare Oversight Advisory Committee appointed by the Board of Supervisors to advise the Board on policy priorities for ensuring that the needs of the animals are met.

(8/7/08, Supervisor Dufty dissenting in committee).

Continued to September 16, 2008

Supervisor Elsbernd, seconded by Supervisor Dufty, moved that this Ordinance be CONTINUED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Called from the City Operations and Neighborhood Services Committee

080438 [Prohibiting smoking in enclosed areas, certain unenclosed areas, and sports stadiums]
Supervisor Daly

Ordinance updating findings based on recent studies; amending San Francisco Health Code Sections 1009.20, 1009.21, 1009.22, 1009.23, 1009.25, and 1009.81, and adding Sections 1009.26, 1009.27, 1009.28, and 1009.29, to prohibit smoking in 1) business establishments and bars regardless of whether owner-operated, 2) common areas of multi-unit housing complexes, 3) tourist lodging facilities, 4) tobacco shops, 5) charity bingo games, 6) taxicabs and other motor vehicles for hire, 7) unenclosed dining areas of restaurants, 8) service waiting areas, 9) areas within twenty feet of entrances to private, nonresidential buildings, 10) farmers markets, and 11) vehicles owned by the City and County of San Francisco; establishing obligations for property owners and managers to prevent smoking in prohibited areas, defining secondhand smoke from a business establishment located in a mixed-use residential and commercial building as a nuisance; adding administrative procedures and penalties; deleting criminal penalties; adding provisions for cost recovery and liens; adding provisions for private enforcement of the ordinance, and making conforming changes in the Police Code by repealing Sections 53, 53.1, and 1098, and in the Health Code by repealing Section 1009.24.

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor McGoldrick, seconded by Supervisor Daly, moved to continue this matter to September 16, 2008. Motion to continue this matter to September 16, 2008 failed by the following vote:
Ayes: 5 - Ammiano, Daly, McGoldrick, Mirkarimi, Peskin
Noes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, Sandoval

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Ordinance be RE-REFERRED to the Rules Committee. The motion carried by the following vote:

Ayes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, Sandoval
Noes: 5 - Ammiano, Daly, McGoldrick, Mirkarimi, Peskin

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Alioto-Pier welcomed, introduced and presented Certificates of Honor to Sergeant Dan Linehan and Officer Ricky Terrell, from Northern Station, in recognition of their retirement from the San Francisco Police Department.

SPECIAL ORDER 4:00 P.M.

081133 **[Public Hearing - Appeal of Final Environmental Impact Report for the Eastern Neighborhoods Rezoning and Area Plans Project]**

Hearing of persons interested in or objecting to the Planning Commission's August 7, 2008, certification of a Final Environmental Impact Report identified as Planning No. 2004.0160E, through it's Motion No. 17659, for a proposed Eastern Neighborhoods Rezoning and Area Plans project, amendments to the San Francisco Planning Code and Zoning Maps, amendments to the San Francisco General Plan, and adoption of interim historic preservation procedures. The Plan Area generally includes the eastern portion of the South of Market Area ("East SOMA"), The Mission, Showplace Square/Potrero Hill, and the Central Waterfront Neighborhoods of San Francisco and making other related findings. (Appellants: Chris Durazo, Filed 8/8/08; and Gary Noguera, Filed 8/27/08)

(Filed 8/8/08 and 8/27/08; companion measure to Files 081134, 081135, 081136.)

The President inquired as to whether any member of the public wished to address the Board members.
Sue Hestor; Attorney for appellant
Richard McCree

Continued to September 23, 2008

Supervisor Maxwell, seconded by Supervisor Sandoval, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Final Environmental Impact Report described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

081134 **[Affirming certification of the Eastern Neighborhoods Rezoning and Area Plans FEIR]**

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the Eastern Neighborhoods Rezoning and Area Plans Project. (Clerk of the Board)

Continued to September 23, 2008

Supervisor Maxwell, seconded by Supervisor Sandoval, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081135 **[Disapproving certification of the Eastern Neighborhoods Rezoning and Area Plans FEIR]**

Motion disapproving the certification by the Planning Commission of the Final Environmental Impact Report for the Eastern Neighborhoods Rezoning and Area Plans Project. (Clerk of the Board)

Continued to September 23, 2008

Supervisor Maxwell, seconded by Supervisor Sandoval, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081136 [Preparation of findings to disapprove certification of the Eastern Neighborhoods Rezoning and Area Plans FEIR]

Motion directing the Clerk of the Board to prepare findings disapproving the certification by the Planning Commission of the Final Environmental Impact Report for the Eastern Neighborhoods Rezoning and Area Plans FEIR. (Clerk of the Board)

Continued to September 23, 2008

Supervisor Maxwell, seconded by Supervisor Sandoval, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library
Walter; shared with the Board certain SF memorabilia
Richard McCree; expressed concern with issues relating to his patent for the design of Sigmund Stern Grove
Female speaker; expressed concern with issues relating to the Housing Authority
Pebbles Stoned; expressed concern with issues relating to medical marijuana
Commander of the Highway Patrol; shared with the Board the duties of the California Highway Patrol
Male speaker; expressed concern with issues relating to violence in SF
Ace Washington; expressed concern with issues relating to Channel 29
Male speaker; expressed concern with issues relating violence

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

081129 **[90 day extension for Planning Commission review - Mission/Bernal Formula Retail Restricted Use Subdistrict]**
Supervisor Ammiano

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance amending the San Francisco Planning Code by adding Section 785 to establish the Mission/Bernal Formula Retail Restricted Use Subdistrict and to amend Section 703.3 to prohibit formula retail uses in the Mission/Bernal Formula Retail Restricted Use Subdistrict; amending Sectional Maps SU 07 and SU 11 of the Zoning Map of the City and County of San Francisco to establish the boundaries of the Mission/Bernal Formula Retail Restricted Use Subdistrict; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

ADOPTED

081130 **[Accept-Expend Federal/State Pass Through Grant - $11,828]**
Supervisors Chu, Dufty

Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of $11,828 from the California State Library as part of the Federal Library Services and Technology Act (LSTA) for reimbursing tuition expenses of library employees pursuing a degree or certificate in library science at an institution of higher education.

ADOPTED

081131 **[Commending Breakthrough Collaborative]**
Supervisor Daly

Resolution commending Breakthrough Collaborative for their work to increase educational opportunities for high-potential, disadvantaged middle school students and inspired gifted college and high school students to pursue careers in education.

ADOPTED

081132 **[Accept-Expend State grants for food and agricultural projects - $6,808.90]**
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend three grants totaling $6,808.90, two from the California Department of Food and Agriculture (CDFA) and one from the California Department of Pesticide Regulation (CDPR); for the period of July 1, 2008 through June 30, 2009.

ADOPTED

081126 **[Final Map - 146-148 South Van Ness Avenue]**
Motion approving Final Map 2781, a 2 Lot Airspace Project, located at 146 – 148 South Van Ness Avenue being a subdivision of Lot 046 in Assessors Block No. 3514 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,718; District 6.)

APPROVED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved ADOPTION of the purely Commendatory finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act Finding finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081178 [Declaring September 2008 as Reentry Month]
Supervisor Mirkarimi

Resolution Declaring the Month of September 2008 as Reentry Month in the City and County of San Francisco.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

081152 [Approving General Plan Amendments Related to the Eastern Neighborhoods Area Plans - the Mission, East SoMa, Showplace Square/Potrero Hill and Central Waterfront Area Plans]

Ordinance amending the San Francisco General Plan by adding four new area plans, entitled the Mission Area Plan, the East South of Market (East SoMa) Area Plan, the Showplace Square/Potrero Hill Area Plan and the Central Waterfront Area Plan and approving General Plan amendments to implement the four aforementioned Eastern Neighborhoods Area Plans by amending the Commerce and Industry and Recreation and Open Space Elements, the Land Use Index, and the South of Market, Northeastern Waterfront, and Central Waterfront Area Plans; making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1. (Planning Department)

8/22/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/9/2008.

081153 [Planning Code amendments for the Eastern Neighborhoods Area Plans]

Ordinance amending the San Francisco Planning Code by adding and amending various sections to implement the four Eastern Neighborhood Area Plans comprised of the East SoMa, the Mission, the Showplace Square/Potrero Hill, and the Central Waterfront Area Plans; adopting in-lieu fees for on-site open space, trees, and affordable housing; adopting the Eastern Neighborhoods impact fee subject to certain restrictions; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Planning Department)

8/22/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/9/2008.

081154 [Zoning Map Amendments in connection with the Eastern Neighborhoods Area Plans]

Ordinance amending Zoning Map Sheets ZN01, ZN07, ZN08, HT01, HT07, HT08 and SU08 of the City and County of San Francisco Planning Code with revised use districts and height and bulk districts within the four Eastern Neighborhoods Planning Areas comprised of the East South of Market, Mission, Showplace Square/Potrero Hill and Central Waterfront Area Plans; and creating three special use districts for Life Science and Medical Special Use District bounded generally by Mariposa Street to the north, Ilinois Street to the West, Iowa Street to the East, and 23rd Street to the South, for Innovative Industries Incubator Special Use District bounded generally by 3rd Street to the West, Illinois Street to the east, 20th Street to the north and 23rd Street to the South, for 16th Street Retail Special Use District bounded generally by Capp Street to the East, San Bruno Avenue to the West, 15th Sreet to the North and 17th Street to the South; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Department)

8/22/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/9/2008.

081155 [Eastern Neighborhoods Area Plans - monitoring program]

Ordinance amending the Administrative Code Chapter 10E to establish the Eastern Neighborhoods Monitoring Program for purposes of reviewing the effectiveness of the Eastern Neighborhoods Area Plans and implementation of specified improvements; and adopting environmental findings. (Planning Department)

8/22/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/9/2008.

081160 [Appropriating $86,367,000 of Bond revenue and adopting environmental findings for Crystal Springs Bypass Tunnel at the Public Utilities Commission for Fiscal Year 2008-2009]

Ordinance appropriating $86,367,000 of Proceeds from Sale of Bonds for the Water System Improvement Program's (WSIP) construction of the Crystal Springs Bypass Tunnel Project at the San Francisco Public Utilities Commission for Fiscal Year 2008-2009, placing the entire appropriation on Controller's reserve pending the sale of bonds, and adopting environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Mayor)

8/28/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081161 [Mission Bay North-Acceptance of Land and Improvements for Block N2]

Ordinance accepting the Mission Bay Block N2 Public Improvements on Third, Fourth, Berry, and King Streets; approving the dedication of the strips of land along the west side of Third Street, East Side of Fourth Street, North side of Berry Street and South Side of King Street for right-of-way purposes; designating street grades and sidewalk widths; accepting the irrevocable offer for the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 177,778; and authorizing official acts in connection with this ordinance. (Public Works Department)

8/28/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

081109 [Emergency contract to design, furnish, and install microwave system communication equipment along Hetch Hetchy]

Resolution approving an emergency public work contract under San Francisco Administrative Code section 6.60, to design, furnish, and install a new microwave radio system for Hetch Hetchy. (Public Utilities Commission)

8/8/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081110 [Authorizing the Sheriff's Department to amend its contract with ARAMARK Correctional Services, LLC, for Jail Food Services]

Resolution authorizing the Sheriff's Department to enter into a second amendment to the agreement between the City and County and ARAMARK Correctional Services, LLC, to increase the contract amount from $15.2 million to an amount not to exceed $27.0 million and to extend the contract term to June 30, 2010. (Sheriff)

8/5/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081111 [Approval of the Ryan White HIV/AIDS Treatment Modernization Act grant application]

Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to submit an application for the San Francisco Eligible Metropolitan Area (EMA) by the deadline of September 29, 2008, requesting a total amount of $36,118,233, to the Health Resources Services Administration (HRSA) to continue to receive funding for the Ryan White HIV/AIDS Treatment Modernization Act Grant (Ryan White Programs, Part A); for the next grant year, March 1, 2009 through February 28, 2010. (Public Health Department)

8/8/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Supervisor Dufty requested to be added as a co-sponsor.

081141 [Contract between the Department of Public Health and Accordis, Inc. to provide retroactive claiming of aged accounts services]

Resolution authorizing the Director of Public Health and the Director of the Office of Contract Administration/Purchaser to execute a contract between the City and County of San Francisco and Accordis, Inc. to provide retroactive claiming of aged accounts services for the period of July 1, 2008 through June 30, 2012.

8/6/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081142 **[Contract between the Department of Public Health and Triage Consulting Group to provide retroactive claiming of aged accounts services]**

Resolution authorizing the Director of Public Health and the Director of the Office of Contract Administration/Purchaser to execute a contract between the City and County of San Francisco and Triage Consulting Group to provide retroactive claiming of aged accounts services for the period of July 1, 2008 through June 30, 2012.

8/15/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081151 **[Easement Deed and findings related to the SFPUC's New Crystal Springs Bypass Tunnel water infrastructure project]**

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the New Crystal Springs Bypass Tunnel Project; making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1; and authorizing and approving the execution, delivery and acceptance of an Easement Deed from the County of San Mateo granting to City certain easement rights in real property located beneath and adjacent to portions of Polhemus Road in San Mateo County. (Public Utilities Commission)

8/22/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 4:04 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

DOCUMENTS DEPT.
SEP 18 2008
SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, September 16, 2008 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Commissioners Kim, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Ammiano, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty, Ammiano	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll Supervisor McGoldrick was noted absent.

There was a quorum present.

Supervisor McGoldrick was present at 2:05 p.m.

CONSENT AGENDA

Recommendation of the Government Audit and Oversight Committee

080233 **[Urban Forestry Council - Membership]**
Supervisor McGoldrick

Ordinance amending the San Francisco Environment Code by amending Section 1202 to reconstitute the membership of the Urban Forestry Council to eleven members.

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

080686 **[Landmark tree designation of Monterey Cypress at 2626 Vallejo Street]**
Supervisor Alioto-Pier

Ordinance designating the Monterey Cypress at 2626 Vallejo Street (Assessor's Block 0953, Lot 006) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

FINALLY PASSED

080687 **[Landmark designation of Manzanita at 115 Parker Avenue]**
Supervisor Alioto-Pier

Ordinance designating the Manzanita at 115 Parker Street (Assessor's Block 1064, Lot 002) as a landmark notwithstanding the provisions contained in the Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark designation.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Government Audit and Oversight Committee

081014 [In-Home Supportive Services - Public Authority]
Supervisor Peskin

Ordinance amending Administrative Code Chapter 70, regarding the In-Home Supportive Services Public Authority, to eliminate obsolete terms and amending Section 70.2 to provide compensation for members of the governing body for attending meetings.

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

Recommendation of the Land Use and Economic Development Committee

080235 [First Source Hiring Ordinance - expanding scope of covered permits in Market and Octavia Plan]
Supervisor Mirkarimi

Ordinance amending the San Francisco Administrative Code by amending Sections 83.2, 83.4, and 83.6 to: (1) expand the scope of permits that the ordinance applies to in the Market and Octavia Area Plan; (2) place new reporting requirements on the First Source Hiring Administration that include reporting first source statistics on permittees, as defined under the ordinance, and (3) require contractors and permittees to cooperate with reasonable requests for information from the First Source Hiring Administration.

Supervisors Daly and Dufty were previously excused from voting on this matter.

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 2 - Daly, Dufty

Recommendation of the Rules Committee

080564 [Establishing a Reentry Council]
Supervisor Mirkarimi

Ordinance amending the San Francisco Administrative Code by adding Sections 5.1-1 through 5.1-6 to: establish a Reentry Council; set forth the Council's purpose, powers and duties; and establish membership criteria.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Rules Committee Without Recommendation

080818 [Recreation and Park - San Francisco Zoo Policies and Oversight]
Supervisor Daly

Ordinance adding Section 5.10 to the San Francisco Park Code to establish the San Francisco Zoo as a facility that primarily houses wildlife, domestic and exotic animals acquired from rescue situations, donations, and/or confiscations by law enforcement authorities; is committed to education and conservation, and makes animal welfare a priority; and to establish a Zoo Animal Welfare Oversight Advisory Committee appointed by the Board of Supervisors to advise the Board on policy priorities for ensuring that the needs of the animals are met.

(Supervisor Dufty dissented in committee.)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NOT PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 4 - Ammiano, Daly, Mirkarimi, Sandoval
Noes: 7 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin

NEW BUSINESS

Recommendations of the Budget and Finance Committee

081096 [Setting San Francisco's fiscal year 2008-2009 property tax rate and establishing pass-through rate for residential tenants]
Supervisor Peskin

Ordinance providing revenue and levying property taxes for the City and County purposes and establishing pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the fiscal year ending June 30, 2009.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081097 **[Setting San Francisco Community College District's fiscal year 2008-2009 property tax rate to be included in the City's overall property tax rate]**
Supervisor Peskin

Ordinance providing revenue and levying property taxes for the San Francisco Community College District purposes for the fiscal year ending June 30, 2009.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081098 **[Setting San Francisco Unified School District's fiscal year 2008-2009 property tax rate to be included in the City's overall property tax rate]**
Supervisor Peskin

Ordinance providing revenue and levying property taxes for the San Francisco Unified School District purposes for the fiscal year ending June 30, 2009.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081099 **[Setting San Francisco Bay Area Rapid Transit District's fiscal year 2008-2009 property tax rate to be included in the City's overall property tax rate]**
Supervisor Peskin

Ordinance providing revenue and levying property taxes for the San Francisco Bay Area Rapid Transit District purposes for the fiscal year ending June 30, 2009.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081057 **[Appropriating $110,632 of Community Improvement Impact Fee revenue for Leland Avenue Streetscape Improvements in the Department of Public Works for Fiscal Year 2008-2009]**
Supervisor Maxwell

Ordinance appropriating $110,632 of Community Impact Fee revenue from the Visitacion Valley Infrastructure Fund for Leland Avenue Streetscape Improvements in the Department of Public Works for Fiscal Year 2008-2009.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080948 **[Amendment to Real Property Ownership Agreement]**
Supervisor Elsbernd

Resolution approving an amendment to the Real Property Ownership Agreement between the Peninsula Corridor Joint Powers Board, San Mateo County Transit District, the City and County of San Francisco and the Santa Clara Valley Transportation Authority to fully resolve all outstanding financial issues related to repayment of SamTrans for its additional contribution for the acquisition of the Caltrain right-of-way, and to designate SamTrans as the managing agency of the Joint Powers Board.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081077 **[Approval of Mental Health Services Act (MHSA) FY08-09 Annual Community Services and Supports Plan Update]**

Resolution authorizing adoption of the Mental Health Services Act Fiscal Year 2008-2009 Annual Community Services and Supports (CSS) Plan Update and modification of Contract No. 07-77338-000 to include this Annual Update in the agreement and authorizing the Department of Public Health to accept and expend the additional State MHSA funds totaling $1,766,236. (Public Health Department)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081090 **[Issuance and Sale of Tax-Exempt Bonds - Pacific Primary - $6,000,000]**
Supervisor Mirkarimi

Resolution approving the issuance and sale of tax-exempt bonds by the ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed $6,000,000 to finance various capital facilities owned by Pacific Primary, a California nonprofit corporation, or an affiliate thereof.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081128 **[FY 2008-2009 California Constitution Appropriations Limit]**
Supervisor Peskin

Resolution establishing the appropriations limit for Fiscal Year 2008-09 pursuant to California Constitution Article XIII B.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Budget and Finance Committee Without Recommendation

081019 [Public Employment - Deputy Chief 3 - Police Department]
Supervisor Dufty

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance FY 2008-2009) to reflect the addition of 2 positions (1.50 FTE) Class 0402 – Deputy Chief 3 in the Police Department.

(Supervisor McGoldrick dissented in committee.)
(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, Sandoval
Noes: 5 - Ammiano, Daly, McGoldrick, Mirkarimi, Peskin

SPECIAL ORDER 3:00 P.M.

080913 [Hearing - Broadway Entertainment Corridor Community Benefit District]
Hearing of persons interested in or objecting to proposed resolution establishing a property-based business improvement district to be known as the "Broadway Entertainment Corridor Community Benefit District (CBD)," ordering the levy and collection of assessments against property located in that district for ten years, commencing with fiscal year 2008-2009, subject to conditions as specified, and making environmental findings.

The President inquired as to whether or not any member of the public wished to address the Board.
Janette Biagini-Barroca; opposed to the Broadway Entertainment Community Benefit District
Patrick, Broadway Studios; opposed to the Broadway Entertainment Community Benefit District
Calvin Louie; opposed to the Broadway Entertainment Community Benefit District
Oliver Mar; opposed to the Broadway Entertainment Community Benefit District
Fred Martinez; opposed to the Broadway Entertainment Community Benefit District
Franchesca Valdez; opposed to the Broadway Entertainment Community Benefit District
Male speaker; opposed to the Broadway Entertainment Community Benefit District

The President declared the public hearing closed.
Heard at public hearing.
FILED.

080914 [Establishing the Broadway Entertainment Corridor Community Benefit District]
Supervisor Peskin

Resolution establishing a property-based business improvement district to be known as the "Broadway Entertainment Corridor Community Benefit District (CBD)," ordering the levy and collection of assessments against property located in that district for ten years, commencing with fiscal year 2008-2009, subject to conditions as specified, and making environmental findings.

The Clerk of the Board announced the tabulations of the Broadway Entertainment Corridor Community Benefit District.
Voting For - 47.58%
Voting Against - 52.42%

Supervisor Mirkarimi, seconded by Supervisor Sandoval, moved that this Resolution be TABLED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

It was decided to to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests.

Supervisor Peskin introdced, welcomed and presented a Certificate of Honor Dawn Trennert in recognition of the founder of the Middle Polk Neighborhood Association.

SPECIAL ORDER 4:00 P.M.

081137 [Public Hearing - Appeal of Final Supplemental Environmental Impact Report for Central Subway Project]

Hearing of persons interested in or objecting to the decision of the Planning Commission's August 7, 2008 certification of a Final Supplemental Environmental Impact Report identified as Planning File No. 1996.281E, through its Motion No. M-17668, for the proposed Central Subway Project, located along and under Fourth Street and under Stockton Street in the Downtown, Chinatown and North Beach Areas with a surface station at Fourth/Brannan and underground stations at Moscone, Union Square/Market Street and Chinatown and construction tunnel under Columbus Avenue to Washington Square. (Appellants: John Elberling filed on August 20, 2008; Gerald Cauthen and Howard Wong filed on August 27, 2008; and James W. Andrew filed on August 27, 2008.)

(Filed - August 20, 2008 and August 27, 2008; companion measure to Files 081138, 081139, 081140.)

The President inquired as to whether or not any member of the public wished to address the Board members.
Gerald Cauthen; Appellant
Howard Strassner; support of the appellant
Howard Wong; Appellant
Norman Rolfe; support of the appellant
Lee Goodin; support of the appellant
Bernard Choden; support of the appellant
Joan Wood; support of the appellant
Herb Kosivitz; support of the appellant
David Schonbrunn; support of the appellant
Zach Stuart; support of the appellant
Earl Tribodeau; support of the appellant
Eric Chase; support of the appellant
David Pilpel; support of the appellant

Bill Wycko and Joan Krugler, representatives from the Planning Department reviewed with the Board the Planning Department's recommendation.
John Funghi, representative of the Municipal Transportation Agency reviewed with the Board members the MTA's recommendation.

David Chiu; support of the project sponsor
Jeremy Till; support of the project sponsor
Michael Kwok; support of the project sponsor
Krishra Ramanujam; support of the project sponsor
David Vasquez; support of the project sponsor
Male speaker; support of the project sponsor
Jackie Sachs; support of the project sponsor
Emilio Cruz, Spur; support of the project sponsor
Male speaker; support of the project sponsor

Rebuttal Period
Gerald Cauthen, Appellant
The President declared the public hearing closed.
Heard at public hearing.
FILED.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Final Supplemental Environmental Impact Report described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

Supervisor Sandoval was noted absent at 5:22 p.m.

081138 **[Affirming certification of Central Subway Project Final Supplemental EIR]**

Motion affirming the certification by the Planning Commission of the Final Supplemental Environmental Impact Report for the Central Subway Project.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

081139 **[Disapproving certification of Central Subway Project Final Supplemental EIR]**

Motion disapproving the certification by the Planning Commission of the Final Supplemental Environmental Impact Report for Central Subway Project.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

081140 **[Preparation of findings to disapprove certification of Central Subway Project Final Supplemental EIR]**

Motion directing the Clerk of the Board to prepare findings disapproving the certification by the Planning Commission of the Final Supplemental Environmental Impact Report for the Central Subway Project.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Pie; expressed concern with issues relating to violence and abuse to children
James Chaffee; expressed concern with issues relating to the SF Public Library
Walter; expressed concern with issues relating time
Mike Annuzio; expressed concern with issues relating to the senior population in San Francisco
Ricardo Lopez; expressed concern with issues relating to the economy and requested the Board to pass a resolution supporting a federal bill for homeowners protection
Summer Shields; expressed concern with issues relating to the economy and requested the Board to pass a resolution supporting a federal bill for homeowners protection
Male speaker; expressed concern with issues relating to the economy and requested the Board to pass a resolution supporting a federal bill for homeowners protection
John di Donna; expressed concern with issues relating to situation ethics
Female speaker; expressed concern with issues relating to Access San Francisco, Channel 29
Richard McCree; expressed concern with issues relating to his design for Sigmund Stern Grove
Dane Johnsten; expressed concern with issues relating to freedom of speech Francisco da Costa; expressed concern with issues relating to a Bayview Hunters Point developer

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Supervisor Ammiano was noted absent at 4:07 p.m.
Supervisor Ammiano was noted present at 4:50 p.m.

081206 [90 day extension for Planning Commission review - The Metro Theatre]
Supervisor Alioto-Pier

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on a proposed Resolution that would initiate the designation of The Metro Theatre, 2055 Union Street, Lot 018 in Assessor's Block 0541, as a landmark pursuant to Section 1004.1 of the Planning Code.

ADOPTED

081207 **[Accept and Expend State Grant - Funding two Environmental Health programs - $8,250]**
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a new grant in the amount of $8,250 from the California Department of Food and Agriculture (CDFA) funding two programs, the Petroleum Products Compliance program and the Weighmaster Enforcement Program; for the period of July 1, 2008 through June 30, 2009.

ADOPTED

081208 **[Sea Otter Awareness Week - September 21-27, 2008]**
Supervisor Peskin

Resolution declaring September 21-27, 2008 Sea Otter Awareness Week in San Francisco.

ADOPTED

081209 **[Accept and Expend State Grant - To support pest exclusion activities - $47,731.06]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend a grant in the amount of $47,731.06 from the California Department of Food and Agriculture (CDFA) to support the Light Brown Apple Moth Program; for the period of July 1, 2008 through June 30, 2009.

ADOPTED

081210 **[Grant to fund a study through the HIV Prevention Section, Department of Public Health - $13,242]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH), to accept and expend retroactively a grant in the amount of $13,242 from the Public Health Foundation Enterprises (PHFE), the primary contractor, with funds from the National Institutes of Health, to support a study entitled "Aripiprazole Treatment for Methamphetamine Using MSM;" for the period of August 1, 2008 through July 31, 2009.

ADOPTED

081211 **[Grant funds to support worker health and safety - $7,580]**
Supervisor Chu

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $7,580 from the University of California, Berkeley for year two of a project entitled "Worker Health and Safety in Chinatown Restaurants," for the period of September 1, 2008 through August 31, 2009.

ADOPTED

081212 **[Extended Producer Responsibility Framework]**
Supervisor McGoldrick

Resolution urging the California State Legislature to enact legislation based on the Extended Producer Responsibility Framework policy adopted by the California Integrated Waste Management Board that will shift costs and responsibilities for waste management from local governments to the producers of products and incentivize product redesign.

ADOPTED

081214 [Health plans that provide health insurance coverage to San Francisco employees to provide comprehensive smoking cessation benefits]

Supervisor Daly

Resolution urging all health plans that provide health insurance coverage to employees in the City and County of San Francisco to offer comprehensive smoking cessation benefits.

ADOPTED

080711 [Final Map - 480 14th Street]

Motion approving Final Map 4547, a 12 Unit Residential Condominium Project, located at 480 14th Street being a subdivision of Lot 166 in Assessors Block No. 3533 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

APPROVED

080763 [Final Map - 901 Bush Street]

Motion approving Final Map 5181, a 38 Unit Residential Condominium Project, located at 901 Bush Street being a subdivision of Lot 001 in Assessors Block No. 0282 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

Severed from the Without Reference to Committee Agenda

Supervisor Chu requested that this matter be severed so that it might be considered separately.

081213 [Celebrating the success of the Outside Lands Music and Arts Festival]

Supervisor Mirkarimi

Resolution commending Another Planet Entertainment, Superfly Presents, Starr Hill Presents, the Recreation and Park Department, the Mayor's Office, the San Francisco Bicycle Coalition, the San Francisco Police Department, the Municipal Transportation Agency, the Department of Public Works, and the Department of Parking and Traffic for the outstanding success of the Outside Lands Music and Arts Festival.

Continued to September 23, 2008

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

081165 **[Settlement of Lawsuit - Twylah Sperka - $49,000]**

Ordinance authorizing settlement of the lawsuit filed by Twylah Sperka against the City and County of San Francisco for $49,000; the lawsuit was filed on February 26, 2007 in San Francisco Superior Court, Case No. 460-772; entitled Twylah Sperka v. City and County of San Francisco, et al. (City Attorney)

9/9/08, RECEIVED AND ASSIGNED to Rules Committee.

081166 **[Settlement of Lawsuit - J. Hadley Louden - $35,000]**

Ordinance authorizing settlement of the lawsuit filed by J. Hadley Louden against the City and County of San Francisco for $35,000; the lawsuit was filed on June 5, 2006 in San Francisco Superior Court, Case No. 06-452880, entitled J. Hadley Louden v. Sgt. Sorgie et al., and removed to the United States District Court, Northern District of California, Case No. 06-04762 MHP, on August 7, 2006. (City Attorney)

9/4/08, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

081164 **[Amending a contract's dollar amount by more than $500,000]**

Resolution approving the Fifth Amendment to the Agreement between the City and Office Depot (Contractor) for office supplies, increasing the contract's dollar amount to $17,540,000, pursuant to Charter Section 9.118(b). (Office of Contract Administration)

9/4/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081167 **[Lease of Real Property at 1700-1740 17th Street and 1415 16th Street, San Francisco]**

Resolution authorizing the lease of property, with a first right of refusal to purchase, comprising approximately 52,125 square feet of improvements upon a lot area of 62,373 square feet, located at 1700-1740 17th Street and 1415 16th Street (Assessor's Block 3955, Lot 002) in San Francisco for the San Francisco Police Department. (Real Estate Department)

9/8/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081168 **[Agreement with PRWT Services, Inc. for Citation Processing Services]**

Resolution authorizing a five year agreement, with option to renew for up to an additional five years, with PRWT Services, Inc. for an amount not to exceed $53.5 million. (Municipal Transportation Agency)

9/9/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:24 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

DOCUMENTS DEPT.

SEP 26 2008

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Tuesday, September 23, 2008 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Commissioners Kim, Mendoza, Maufas, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Elsbernd, Ammiano, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty, Ammiano	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:04 p.m. On the call of the roll Supervisor McGoldrick was noted absent.

There was a quorum present.

Supervisor McGoldrick was previously excused from attendance.

Supervisor McGoldrick Excused from Attendance

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to excuse Supervisor McGoldrick from attending today's meeting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved to approve the Board Meeting Minutes of August 12, 2008. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

081096 **[Setting San Francisco's fiscal year 2008-2009 property tax rate and establishing pass-through rate for residential tenants]**

Supervisor Peskin

Ordinance providing revenue and levying property taxes for the City and County purposes and establishing pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the fiscal year ending June 30, 2009.

FINALLY PASSED

081097 [Setting San Francisco Community College District's fiscal year 2008-2009 property tax rate to be included in the City's overall property tax rate]
Supervisor Peskin

Ordinance providing revenue and levying property taxes for the San Francisco Community College District purposes for the fiscal year ending June 30, 2009.

FINALLY PASSED

081098 [Setting San Francisco Unified School District's fiscal year 2008-2009 property tax rate to be included in the City's overall property tax rate]
Supervisor Peskin

Ordinance providing revenue and levying property taxes for the San Francisco Unified School District purposes for the fiscal year ending June 30, 2009.

FINALLY PASSED

081099 [Setting San Francisco Bay Area Rapid Transit District's fiscal year 2008-2009 property tax rate to be included in the City's overall property tax rate]
Supervisor Peskin

Ordinance providing revenue and levying property taxes for the San Francisco Bay Area Rapid Transit District purposes for the fiscal year ending June 30, 2009.

FINALLY PASSED

081057 [Appropriating $110,632 of Community Improvement Impact Fee revenue for Leland Avenue Streetscape Improvements in the Department of Public Works for Fiscal Year 2008-2009]
Supervisor Maxwell

Ordinance appropriating $110,632 of Community Impact Fee revenue from the Visitacion Valley Infrastructure Fund for Leland Avenue Streetscape Improvements in the Department of Public Works for Fiscal Year 2008-2009.

FINALLY PASSED

The foregoing items were acted upon by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

REGULAR AGENDA

UNFINISHED BUSINESS

From the Budget and Finance Committee Without Recommendation

081019 [Public Employment - Deputy Chief 3 - Police Department]
Supervisor Dufty

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance FY 2008-2009) to reflect the addition of 2 positions (1.50 FTE) Class 0402 – Deputy Chief 3 in the Police Department.

(Supervisor McGoldrick dissented in committee.)
(Fiscal Impact.)

FINALLY PASSED by the following vote:
Ayes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, Sandoval
Noes: 4 - Ammiano, Daly, Mirkarimi, Peskin
Excused: 1 - McGoldrick

Recommendation of the Land Use and Economic Development Committee

080521 [Citywide Affordable Housing Preference for Certificate of Preference Holders]
Supervisors Mirkarimi, Dufty, Maxwell

Ordinance providing that all City affordable housing programs give preference in those programs to Certificate of Preference Holders under the San Francisco Redevelopment Agency's Property Owner and Occupant Preference Program by adding Administrative Code Section 24.8 to provide that all City affordable housing programs administered by the Mayor's Office of Housing or other City Department give preference in those programs to Certificate of Preference holders; and amending Administrative Code Sections 43.3.4 to provide for preference in the affordable housing and home ownership bond program; Section 10.100-110 to provide for preference in the expenditure of funds from the Mayor's Housing Affordability Fund; 10-100-370 to provide for preference in the use of HOPE SF funds; and amending Planning Code Sections 313.12, 315.4, 315.5, and 315.6 to provide for preference in the Citywide Affordable Housing funds generated by the Jobs-Housing Linkage Program and the Residential Inclusionary Affordable Housing program and in the allocation of all on- and off-site inclusionary housing units in those programs.

Continued to October 7, 2008

Supervisor Mirkarimi, seconded by Supervisor Ammiano, moved that this Ordinance be CONTINUED. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

NEW BUSINESS

Recommendations of the Budget and Finance Committee

081084 [Authorizing the Department of Public Health to perform and award contracts for public work under a specified procedure]
Supervisor Elsbernd

Ordinance adding San Francisco Administrative Code Chapter 6, Section 6.69, to authorize the Department of Public Health to perform and award contracts for health facilities public work through competition among a pre-qualified pool of contractors.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

081071 [Approval of CPMC Lease Termination Agreement at One South Van Ness Avenue]

Resolution retroactively approving a Lease Termination Agreement between the City, as landlord, and CPMC, as tenant, for approximately 127,638 square feet of office space on the 4th and 8th floors of One South Van Ness Avenue, and the subsequent occupancy of the 4th floor space by the Department of Human Resources and the 8th floor space by the Municipal Transportation Agency. (Real Estate Department)

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

081073 [Approving Modification to the Cooperative Agreement between the Treasure Island Development Authority and the U.S. Navy]

Resolution approving and authorizing the Treasure Island Development Authority to enter into a Modification to the Cooperative Agreement with the U.S. Navy to extend the Cooperative Agreement from October 1, 2008 to September 30, 2009. (Treasure Island Development Authority)

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

081075 [Airport Concession Lease]

Resolution approving the Boarding Area "F" Pharmacy, Health and Beauty Store Lease between Harmony Pharmacy and Health Center, Inc. and the City and County of San Francisco, acting by and through its Airport Commission.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

081079 [Amendment to leases of Real Property at 3120 Mission and 3425 Cesar Chavez Streets]

Resolution authorizing the Amendment to leases at 3120 Mission and 3425 Cesar Chavez Streets for the Department of Human Services. (Real Estate Department)

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Recommendations of the Government Audit and Oversight Committee

080796 **[Amending Ordinance 202-07, authorizing award of contract for CM/GC services for the San Francisco General Hospital Rebuild Program, and making findings under CEQA]**

Ordinance amending Ordinance 202-07 to add Drywall Subcontractor to the list of authorized Core Subcontractors for the San Francisco General Hospital Rebuild Program; authorizing the award of a contract for Construction Manager/General Contractor services for the San Francisco Hospital Rebuild Program; adopting findings under the California Environmental Quality Act (CEQA), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations; and finding that the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53. (Public Works Department)

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

080797 **[Authorizing award of architectural and engineering design services contract for the San Francisco General Hospital Replacement Program and adopting findings under CEQA]**

Resolution authorizing the award of an architectural and engineering design services contract for the San Francisco General Hospital Seismic Compliance Hospital Replacement Program; adopting findings under the California Environmental Quality Act (CEQA), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations; and finding that the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53. (Public Works Department)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

081102 **[MOU, Amendment No. 2 - Municipal Attorneys' Association]**

Mayor

Ordinance adopting and implementing Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys' Association.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

081103 [MOU - Service Employees International Union, Local 1021, H-1 Fire Rescue Paramedics]
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021, H-1 Fire Rescue Paramedics, to be effective July 1, 2007 through June 30, 2011.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

From the Government Audit and Oversight Committee Without Recommendation

081107 [MOU - SF Police Officers' Association (SFPOA), P-2B]
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (SFPOA), P-2B, to be effective July 1, 2007 through June 30, 2011.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Mirkarimi, Peskin, Sandoval
Noes: 2 - Daly, Maxwell
Excused: 1 - McGoldrick

Recommendations of the Land Use and Economic Development Committee

081074 [Changing the official sidewalk width - Harrison Street]
Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1581 to change the official sidewalk width on the north side of Harrison Street east of Fourth Street; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Supervisors Dufty and Mirkarimi Excused From Voting

Supervisor Elsbernd, seconded by Supervisor Chu, moved moved to excuse Supervisors Dufty and Mirkarimi from voting on this matter, due a possible conflict of interest. The motion carried by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, Peskin, Sandoval
Excused: 3 - Dufty, McGoldrick, Mirkarimi

081087 **[Condominium conversion lottery based on seniority of participation]**
Supervisor McGoldrick

Ordinance amending the Subdivision Code by amending Section 1396 to extend the annual 200-unit condominium conversion lottery; amending Section 1396.3 to continue the prioritization of the condominium conversion lottery based on seniority of participation in prior lotteries; and making environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 6 - Alioto-Pier, Ammiano, Chu, Elsbernd, Peskin, Sandoval
Noes: 2 - Daly, Maxwell
Excused: 3 - Dufty, McGoldrick, Mirkarimi

SPECIAL ORDER 4:00 P.M.

081133 **[Public Hearing - Appeal of Final Environmental Impact Report for the Eastern Neighborhoods Rezoning and Area Plans Project]**

Hearing of persons interested in or objecting to the Planning Commission's August 7, 2008, certification of a Final Environmental Impact Report identified as Planning No. 2004.0160E, through it's Motion No. 17659, for a proposed Eastern Neighborhoods Rezoning and Area Plans project, amendments to the San Francisco Planning Code and Zoning Maps, amendments to the San Francisco General Plan, and adoption of interim historic preservation procedures. The Plan Area generally includes the eastern portion of the South of Market Area ("East SOMA"), The Mission, Showplace Square/Potrero Hill, and the Central Waterfront Neighborhoods of San Francisco and making other related findings. (Appellants: Chris Durazo, Filed 8/8/08; and Gary Noguera, Filed 8/27/08)

(Filed 8/8/08 and 8/27/08; companion measure to Files 081134, 081135, 081136.)

The President inquired as to whether any member of the public wished to address the Board members.
Sue Hestor, Attorney for South of Market Community Action Network; appellant
Mr. Fukado, Representative of the Coalition for Neighborhoods; appellant
April Veneracion; support of the appellant
Angela Cabati; support of the appellant
Chris Durazo; support of the appellant
Jazzie Collins; support of the appellant
Female speaker; support of the appellant
Male speaker; support of the appellant
Tom Gilberti; support of the appellant
Judith Berkovitz; support of the appellant

Michael Jacinto, Bill Wykco and Paul Maltzer, representatives of the Planning Department, reviewed with the Board their recommendations.

Male speaker; support of the project sponsor
Rebuttal Period: Appellant
Sue Hestor and Mr. Fukado

The President declared the public hearing closed.
Heard at public hearing.
FILED.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Final Environmental Impact Report described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

081134 [Affirming certification of the Eastern Neighborhoods Rezoning and Area Plans FEIR]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the Eastern Neighborhoods Rezoning and Area Plans Project. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Ammiano, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, Mirkarimi, Sandoval
Noes: 1 - Peskin
Absent: 2 - Daly, Dufty
Excused: 1 - McGoldrick

081135 [Disapproving certification of the Eastern Neighborhoods Rezoning and Area Plans FEIR]

Motion disapproving the certification by the Planning Commission of the Final Environmental Impact Report for the Eastern Neighborhoods Rezoning and Area Plans Project. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Ammiano, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, Mirkarimi, Sandoval
Noes: 1 - Peskin
Absent: 2 - Daly, Dufty
Excused: 1 - McGoldrick

081136 [Preparation of findings to disapprove certification of the Eastern Neighborhoods Rezoning and Area Plans FEIR]

Motion directing the Clerk of the Board to prepare findings disapproving the certification by the Planning Commission of the Final Environmental Impact Report for the Eastern Neighborhoods Rezoning and Area Plans FEIR. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Ammiano, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, Mirkarimi, Sandoval
Noes: 1 - Peskin
Absent: 2 - Daly, Dufty
Excused: 1 - McGoldrick

COMMITTEE REPORTS

081048 **[Reappointment, Board of Appeals - Frank Fung]**

Motion approving the Mayor's reappointment of Frank Fung to the Board of Appeals, for the term ending July 1, 2012. (Mayor)

(Section 4.106 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - July 25, 2008).
(9/18/08, Supervisor Daly dissenting in committee).

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Excused: 1 - McGoldrick

081050 **[Reappointment, Board of Appeals - Tanya Peterson]**

Motion approving the Mayor's reappointment of Tanya Peterson to the Board of Appeals, for the term ending July 1, 2012. (Mayor)

(Section 4.106 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - July 25, 2008).

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

John di Donna; expressed concern with issues relating to the violations of civil rights
Cecil Lewis; expressed concern with issues relating to the labeling of different types of gasoline
Walter; expressed concern with issues relating to the fixing and retro fitting of his building
Female speaker; expressed concern with issues relating to the height of buildings for exiting the building
Richard McRee; expressed concern with issues relating to high rises and the use of existing buildings and his design for Sigmund Grove

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

081213 **[Celebrating the success of the Outside Lands Music and Arts Festival]**
Supervisor Mirkarimi

Resolution commending Another Planet Entertainment, Superfly Presents, Starr Hill Presents, the Recreation and Park Department, the Mayor's Office, the San Francisco Bicycle Coalition, the San Francisco Police Department, the Municipal Transportation Agency, the Department of Public Works, and the Department of Parking and Traffic for the outstanding success of the Outside Lands Music and Arts Festival.

ADOPTED

081239 **[Commending Yomi Agunbiade, General Manager of the Recreation and Parks Department, for his dedicated service]**
Supervisors Elsbernd, Chu, Mirkarimi, Maxwell, Peskin, Alioto-Pier, Dufty

Resolution commending Yomi Agunbiade, General Manager of the Recreation and Parks Department, for his dedicated service.

ADOPTED

081241 [Accept-Expend State Grant - Life and Annuity Consumer Protection Program - $25,000]
Supervisor Chu

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $25,000 through the California Department of Insurance, Life and Annuity Consumer Protection Fund, for a program entitled "Life and Annuity Consumer Protection" for fiscal year July 2008 through June 2009.

ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Severed From the Without Reference to Committee Agenda

Supervisor Chu requested that this matter be severed so that it might be considered separately.

081238 [Extending sunset date of the Peak Oil Preparedness Task Force]
Supervisor Mirkarimi

Resolution extending the sunset date of the Peak Oil Preparedness Task Force for not more than six months.

ADOPTED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 1 - Chu
Excused: 1 - McGoldrick

081240 [30 day halt to Department of Public Works' mechanical street sweeping changes]
Supervisor Alioto-Pier

Resolution urging the Department of Public Works to immediately halt the implementation of the changes to the mechanical street sweeping program for 30 days.

Supervisor Elsernd requested that this matter be severed so that it might be considered separately.

REFERRED to the City Operations and Neighborhood Services Committee.

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 2 - Daly, Dufty
Excused: 1 - McGoldrick

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 2 - Daly, Dufty
Excused: 1 - McGoldrick

081244 [Folsom Street Fair Day in San Francisco]
Supervisors Dufty, Ammiano

Resolution declaring September 28, 2008 as Folsom Street Fair Day in San Francisco.

ADOPTED by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 2 - Daly, Dufty
Excused: 1 - McGoldrick

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

081247 [Zoning - Conditional use authorization for new development in the Bernal South Slope Area]
Supervisor Ammiano

Ordinance amending Planning Code Section 242 to require conditional use authorization for new development in the Bernal South Slope Area, and making findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

9/23/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/23/2008.

081249 **[Inclusionary In Lieu Fees For Small Site Acquisition and Rehabilitation]**
Supervisor Daly

Ordinance amending Planning Code Section 315.6 of the Residential Inclusionary Affordable Housing Program to provide that ten percent (10%) of in lieu fees paid under Section 315.6, not to exceed a maximum of $15 million at any one time, be designated exclusively for the acquisition and/or rehabilitation of affordable housing sites consisting of less than 25 units.
9/23/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/23/2008.

081250 **[Massage Practitioner Requirements]**
Supervisor Dufty

Ordinance amending Section 1902 of the San Francisco Health Code by changing the requirement that massage practitioners obtain a certificate of graduation to a certificate of completion verifying at least 100 hours of massage instruction.
9/23/08, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 10/23/2008.

081251 **[Planning Code--Appendix K to Article 10, Bush Street-Cottage Row Historic District]**
Supervisor Mirkarimi

Ordinance amending the San Francisco Planning Code by amending Appendix K to Article 10, "Bush Street-Cottage Row Historic District," by adding a new Section 7 to set forth additional requirement for Certificates of Appropriateness; and making findings, including findings of consistency with the General Plan and priority policies of Planning Code Section 101.1 and environmental findings.
9/23/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

081252 **[Coordinated Code Enforcement Process]**
Supervisor Mirkarimi

Ordinance amending the San Francisco Administrative Code by adding Chapter 102 to require coordination in the code enforcement efforts of City departments and to establish a fund to support the City's code enforcement activities; adding Section 10.100-167 to create a Category 4 fund to receive and expend funds related to the City's code enforcement activities; and amending Section 1.56 to require annual reports to contain details on the department's code enforcement activities; amending the San Francisco Business and Tax Regulations Code by adding Section 16(a) to provide a mechanism for enforcement of decisions of the Board of Appeals; amending Section 102A of the San Francisco Building Code and adding Section 176.2 to the San Francisco Planning Code to provide for enforcement of decisions of the Board of Appeals without additional abatement proceedings by the department; adopting environmental and other findings.
9/23/08, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/23/2008.

Resolutions

081244 **[Folsom Street Fair Day in San Francisco]**
Supervisors Dufty, Ammiano

Resolution declaring September 28, 2008 as Folsom Street Fair Day in San Francisco.
9/23/08, ADOPTED.

081248 **[Intent to change the name of Rowland Street in North Beach to Dirk Dirksen Alley]**
Supervisor Ammiano

Resolution declaring the Board's intention to change the name of Rowland Street on Broadway in North Beach to "Dirk Dirksen Alley," in recognition of Dirk Dirksen, who will be remembered as one of the most important figures in the musical and cultural history of San Francisco; and authorizing initiation of the process to install a commemorative plaque on said street.
9/23/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

081253 **[Single Family Housing Bond REO and Refinance program]**
Mayor, Supervisor Maxwell

Resolution authorizing an application by the Mayor's Office of Housing to the California Debt Limit Allocation Committee to permit the issuance of Single Family Housing Bonds in an aggregate amount not to exceed $10,115,243 to enable the purchase of Real Estate Owned (REO) single family units by low and moderate income households and the refinance of subprime and adjustable rate mortgages (ARM) to 30- and 40-year amortized fixed mortgages for low and moderate income households in single family homes.
9/23/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081254 **[Accept-Expend San Francisco Giants Community Fund and the Good Tidings Foundation Gift]**
Mayor

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a gift in the estimated amount of $100,000 from the San Francisco Giants Community Fund and the Good Tidings Foundation for Excelsior Playground baseball/softball field improvements.
9/23/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

081255 **[Conflict Resolution Day - October 16, 2008]**
Supervisor Daly

Resolution declaring October 16th "Conflict Resolution Day", to be recognized in San Francisco for the purpose of fostering awareness and use of conflict resolution tools within our schools and communities.
9/23/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

081256 **[Accept and Expend Grant - Office of Language Services - $40,000]**
Supervisor McGoldrick

Resolution retroactively authorizing the Office of Language Services to accept and expend grant funds in the amount of $40,000 from the Zellerbach Family Foundation to create a pilot program to expand the organizational capacity of the City's law enforcement, criminal justice, and emergency management agencies to meet the cultural and linguistic needs of limited English proficient victims of domestic violence.
9/23/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

081245 **[Nitrite based Poppers]**
Supervisor Ammiano

Hearing on the disclosure of the Health effects of Nitrite based Poppers.
9/23/08, RECEIVED AND ASSIGNED to Rules Committee.

081246 **[Status and Benefits of Proposition 63 Funds]**
Supervisor Ammiano

Hearing on the status and benefits of Proposition 63 funds.
9/23/08, RECEIVED AND ASSIGNED to Rules Committee.

Motions

081257 **[Confirming the re-appointment of Francee Covington to the San Francisco Redevelopment Agency]**
Mayor

Motion confirming the re-appointment of Francee Covington to the San Francisco Redevelopment Agency for a four-year term ending September 3, 2012.
9/23/08, RECEIVED AND ASSIGNED to Rules Committee.

081258 **[Confirming the re-appointment of Rick Swig to the San Francisco Redevelopment Agency]**
Mayor

Motion confirming the re-appointment of Rick Swig to the San Francisco Redevelopment Agency for a four-year term ending September 3, 2012.
9/23/08, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED ORDINANCES

081205 **[Settlement of Lawsuit, Gladys DeWitt - $50,000]**
Ordinance authorizing settlement of the lawsuit filed by Gladys DeWitt against the City and County of San Francisco for $50,000; the lawsuit was filed on January 19, 2007 in San Francisco Superior Court, Case No. 459735, and removed, on July 27, 2007, to United States District Court for the Northern District of California, Case No. C-07-03791 PJH, entitled DeWitt v. City and County of San Francisco, et al.
9/9/08, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

081215 **[Appointment, Transbay Joint Powers Authority - Carter R. Rohan]**
Resolution confirming the appointment of Mr. Carter R. Rohan, R. A. (Senior Director of Transportation Planning and Development Division of the San Francisco Municipal Transportation Agency) to serve on the Transbay Joint Powers Authority as an Alternate Member when SFMTA Executive Director/CEO Nathaniel P. Ford, Sr. is unable to attend. (Municipal Transportation Agency)
9/12/08, RECEIVED AND ASSIGNED to Rules Committee.

081217 **[Approval of five contracts for the Department of Public Health]**

Resolution authorizing the San Francisco Department of Public Health to enter into five contracts providing mental health services for clients in long term care in locked facilities, for pharmacy management services and for fiscal intermediary services related to the San Francisco Mental Health Plan's for Private Provider Network, residential care facilities, and for mental health wraparound services, for the term of October 1, 2008 and January 1, 2009 through June 30, 2013 and December 31, 2013. (Public Health Department)

9/16/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081218 **[Amendment to Settlement Agreement with Pacific Gas and Electric Company]**

Resolution authorizing the Port to execute an amendment to the settlement agreement between Pacific Gas and Electric Company (PG&E) and the City and County of San Francisco, dated June 14, 2005, regarding a claim of encroachment by PG&E's Hunter's Point Power Plant on Custer, Davidson, India and Ingalls Streets, by: (1) extending PG&E's right to continue occupying approximately 35,465 square feet of Custer and Davidson Streets until July 31, 2012, and to continue occupying approximately 56,484 square feet of Custer, Davidson, India and Ingalls Streets until July 31, 2016, with option to extend each period of occupancy for periods of 6 months at a time with the Port's prior written consent; and (2) delaying the commencement date of a 5-year lease to PG&E of approximately 1,421 square feet of Davidson Street from January 1, 2008 to August 1, 2012. (Port)

9/11/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:58 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, October 7, 2008 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Commissioners Kim, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Ammiano, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty, Ammiano	1st and 3rd Thursday 10:00 AM

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First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:09 p.m. On the call of the roll Supervisors McGoldrick and Sandoval were noted absent.

There was a quorum present.
Supervisor Sandoval was noted present at 2:10 p.m.

Supervisor McGoldrick was previously excused from attendance.

Supervisor McGoldrick Excused From Voting

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved to excuse Supervisor McGoldrick from attending today's meeting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

081084 **[Authorizing the Department of Public Health to perform and award contracts for public work under a specified procedure]**
Supervisor Elsbernd

Ordinance adding San Francisco Administrative Code Chapter 6, Section 6.69, to authorize the Department of Public Health to perform and award contracts for health facilities public work through competition among a pre-qualified pool of contractors.

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

081101 **[Accept-Expend two related HIV research grants - $105,248]**
Supervisors Dufty, Ammiano

Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend two related grants in the total amount of $105,248 from the Public Health Foundation Enterprises (PHFE) to support the "HIV Vaccine Trials Network Study – Parts A and B"; for the periods of January 1, 2008 through June 30, 2008 (Part A) and July 1, 2008 through December 31, 2008 (Part B).

ADOPTED

081111 **[Approval of the Ryan White HIV/AIDS Treatment Modernization Act grant application - $36,118,233]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to submit an application for the San Francisco Eligible Metropolitan Area (EMA) by the deadline of September 29, 2008, requesting a total amount of $36,118,233, to the Health Resources Services Administration (HRSA) to continue to receive funding for the Ryan White HIV/AIDS Treatment Modernization Act Grant (Ryan White Programs, Part A); for the next grant year, March 1, 2009 through February 28, 2010. (Public Health Department)

ADOPTED

081187 **[Accept-Expend Federal grant for emergency planning - $175,783]**
Supervisor Alioto-Pier

Resolution authorizing the Department of Emergency Management (DEM) to accept and expend retroactively a grant in the amount of $175,783 from the Federal Emergency Management Agency (FEMA), through the California Governor's Office of Emergency Services (State OES), for emergency planning for at-risk and vulnerable populations, for the period of July 1, 2008 through June 30, 2009.

ADOPTED

081189 **[Accept and Expend grant - to support the STD Surveillance Network - $225,000]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend funds from the Centers for Disease Control and Prevention (CDCP), in the amount of $225,000, to support the STD Surveillance Network; for the period of September 30, 2008 through September 29, 2009.

ADOPTED

Recommendations of the Government Audit and Oversight Committee

080796 **[Amending Ordinance 202-07, authorizing award of contract for CM/GC services for the San Francisco General Hospital Rebuild Program, and making findings under CEQA]**

Ordinance amending Ordinance 202-07 to add Drywall Subcontractor to the list of authorized Core Subcontractors for the San Francisco General Hospital Rebuild Program; authorizing the award of a contract for Construction Manager/General Contractor services for the San Francisco Hospital Rebuild Program; adopting findings under the California Environmental Quality Act (CEQA), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations; and finding that the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53. (Public Works Department)

(Fiscal Impact.)

FINALLY PASSED

081102 **[MOU, Amendment No. 2 - Municipal Attorneys' Association]**

Mayor

Ordinance adopting and implementing Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys' Association.

FINALLY PASSED

081103 **[MOU - Service Employees International Union, Local 1021, H-1 Fire Rescue Paramedics]**

Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021, H-1 Fire Rescue Paramedics, to be effective July 1, 2007 through June 30, 2011.

(Fiscal Impact.)

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

081074 **[Changing the official sidewalk width - Harrison Street]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1581 to change the official sidewalk width on the north side of Harrison Street east of Fourth Street; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

FINALLY PASSED

Recommendations of the Rules Committee

081143 **[Appointment, Western SOMA Citizens Planning Task Force, John Rosenbaum]**

Motion appointing John Rosenbaum, term ending June 30, 2010, to the Western SOMA Citizens Task Force, residency requirement waived.

John Rosenbaum, succeeding Catherine Ann Swineford, seat 23, term expired, must be a person representing the interests of homeless individuals, for term ending June 30, 2010 (residency requirement waived).

APPROVED

081144 **[Appointments, SOMA Community Stabilization Fund Community Advisory Committee, Judith Barker and Steven Sarver]**

Motion appointing Judith Baker and Steven Sarver, terms ending April 27, 2010, to the SOMA Community Stabilization Fund Community Advisory Committee, residency requirement waived.

Judith Baker, succeeding Kelly Wilkinson, seat 6, term expired, must provide direct services to SOMA families, for a two-year term ending April 27, 2010.
Steven Sarver, succeeding himself, seat 7, term expired, must have small business expertise and a familiarity with the SOMA neighborhood, for a two-year term ending April 27, 2010 (residency requirement waived).

APPROVED

080848 **[Appointment, Community Oversight Committee Regarding Enforcement of Marijuana Offenses, Mesha Monge-Irizarry]**

Motion appointing Mesha Monge-Irizarry, term ending January 1, 2009, to the Community Oversight Committee Regarding Enforcement of Marijuana Offenses.

Mesha Monge-Irizarry, succeeding Camilla Field, seat 6, resigned, must be a representative of a drug policy reform organization, for the unexpired portion of a two-year term ending January 1, 2009.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Severed from the Consent Agenda

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

081062 **[Appointment, Sunshine Ordinance Task Force, Doyle Johnson]**

Motion appointing Doyle Johnson, term ending April 27, 2010, to the Sunshine Ordinance Task Force.

Doyle Johnson, new designation, seat 7, must be member of the public who is physically handicapped and who has demonstrated intrest in citizen access and participation in local government, for a two-year term ending April 27, 2010.

Supervisor Elsbernd, seconded by Supervisor Chu, moved to rerefer this matter to the Rules Committee.
Motion to rerefer this matter failed by the following vote:
Ayes: 4 - Alioto-Pier, Chu, Elsbernd, Maxwell
Noes: 6 - Ammiano, Daly, Dufty, Mirkarimi, Peskin, Sandoval

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

REGULAR AGENDA

UNFINISHED BUSINESS

From the Government Audit and Oversight Committee Without Recommendation

081107 **[MOU - SF Police Officers' Association (SFPOA), P-2B]**
Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (SFPOA), P-2B, to be effective July 1, 2007 through June 30, 2011.

(Fiscal Impact.)

FINALLY PASSED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Excused: 1 - McGoldrick

Recommendations of the Land Use and Economic Development Committee

080521 **[Citywide Affordable Housing Preference for Certificate of Preference Holders]**
Supervisors Mirkarimi, Dufty, Maxwell

Ordinance providing that all City affordable housing programs give preference in those programs to Certificate of Preference Holders under the San Francisco Redevelopment Agency's Property Owner and Occupant Preference Program by adding Administrative Code Section 24.8 to provide that all City affordable housing programs administered by the Mayor's Office of Housing or other City Department give preference in those programs to Certificate of Preference holders; and amending Administrative Code Sections 43.3.4 to provide for preference in the affordable housing and home ownership bond program; Section 10.100-110 to provide for preference in the expenditure of funds from the Mayor's Housing Affordability Fund; 10-100-370 to provide for preference in the use of HOPE SF funds; and amending Planning Code Sections 313.12, 315.4, 315.5, and 315.6 to provide for preference in the Citywide Affordable Housing funds generated by the Jobs-Housing Linkage Program and the Residential Inclusionary Affordable Housing program and in the allocation of all on- and off-site inclusionary housing units in those programs.

Supervisor Mirkarimi, seconded by Supervisor Ammiano, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Supervisor Daly, seconded by Supervisor Ammiano, moved to further amend relating to a hard cap of 50% of affordable housing going to certificate holders:
Motion to further amend failed by the following vote:
Ayes: 4 - Ammiano, Daly, Peskin, Sandoval
Noes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Excused: 1- McGoldrick

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

081087 [Condominium conversion lottery based on seniority of participation]
Supervisor McGoldrick

Ordinance amending the Subdivision Code by amending Section 1396 to extend the annual 200-unit condominium conversion lottery; amending Section 1396.3 to continue the prioritization of the condominium conversion lottery based on seniority of participation in prior lotteries; and making environmental findings.

Supervisors Dufty and Mirkarimi were previously excused from voting on this matter.

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, Peskin, Sandoval
Excused: 3 - Dufty, McGoldrick, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

NEW BUSINESS

Recommendations of the Budget and Finance Committee

081200 [Appropriating $51,336,923 of revenue for the Laguna Honda Hospital Replacement Project in the Department of Public Works for Fiscal Year 2008-09]
Mayor

Ordinance appropriating $25,611,567 of Tobacco Settlement Revenues and $25,725,356 of the 1999 Laguna Honda Hospital General Obligation Bond Proceeds Interest Earnings from the 2005A, 2005B, 2005C, 2005D, and 2005I Series for the Laguna Honda Hospital Replacement Project in the Department of Public Works for Fiscal Year 2008-2009.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier
Excused: 1 - McGoldrick

081203 **[Appropriating $13,022,292 of State Proposition 42 and Proposition 1B revenue for road maintenance projects in the Department of Public Works for Fiscal Year 2008-2009]**
Supervisors Elsbernd, Chu

Ordinance appropriating $11,756,665 of FY 2008-09 Proposition 42 State Funds and $1,265,627 of additional FY 2007-08 Proposition 1B State Funds for road maintenance and resurfacing projects in the Department of Public Works for Fiscal Year 2008-2009. The department will use the bond funds from the State to implement Bureau of Street and Sewer Repair road maintenance and resurfacing projects at various locations.

(Fiscal Impact.)

Supervisor Chu requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

081027 **[Clean Renewable Energy Bonds - $6,325,000]**

Resolution approving the issuance of not to exceed $6,325,000 aggregate principal amount of clean renewable energy bonds to be issued by the Public Utilities Commission of the City and County of San Francisco (the "Commission"); approving the execution and delivery by the Commission of a Master Equipment Lease/Purchase Agreement, an Acquisition Fund and Account Control Agreement, and a Bond Purchase Agreement; and authorizing the taking of appropriate actions in connection therewith; and related matters. (Public Utilities Commission)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

081109 **[Emergency contract to design, furnish, and install microwave system communication equipment along Hetch Hetchy]**

Resolution approving an emergency public work contract under San Francisco Administrative Code Section 6.60, to design, furnish, and install a new microwave radio system for Hetch Hetchy. (Public Utilities Commission)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

081141 **[Contract between the Department of Public Health and Accordis, Inc. to provide retroactive claiming of aged accounts services]**

Resolution retroactively authorizing the Director of Public Health and the Director of the Office of Contract Administration/Purchaser to execute a contract between the City and County of San Francisco and Accordis, Inc. to provide retroactive claiming of aged accounts services for the period of July 1, 2008 through June 30, 2012.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

081142 [Contract between the Department of Public Health and Triage Consulting Group to provide retroactive claiming of aged accounts services]

Resolution retroactively authorizing the Director of Public Health and the Director of the Office of Contract Administration/Purchaser to execute a contract between the City and County of San Francisco and Triage Consulting Group to provide retroactive claiming of aged accounts services for the period of July 1, 2008 through June 30, 2012.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

081164 [Amending the agreement between the CCSF and Office Depot for office supplies to $17,540,000]

Resolution approving the Fifth Amendment to the Agreement between the City and Office Depot (Contractor) for office supplies, increasing the contract's dollar amount to $17,540,000, pursuant to Charter Section 9.118(b). (Office of Contract Administration)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Recommendations of the City Operations and Neighborhood Services Committee

080621 [Amending Health Code Article 8 - Food Preparation and Service Establishment]
Mayor

Ordinance amending San Francisco Health Code Sections 451, 452, 456.4, 456.5, deleting Health Code Section 455, and amending San Francisco Business and Tax Regulations Code Section 249.1 to include definition for licensed health care facilities, clarify the definition for hospital kitchen, update definitions to be consistent with the California Retail Food Code; add a fee for licensed health care facilities; and add lien procedures for enforcing monetary penalties.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

081121 [Accept-Expend state grant and amend Annual Salary Ordinance, FY 2008-09 - $400,000]
Supervisors Elsbernd, Dufty, Chu

Ordinance authorizing the Mayor's Office of Criminal Justice to retroactively accept and expend a grant in the amount of $400,000 from the California Governor's Office of Emergency Services (OES) for gang violence reduction activities, and amending the Annual Salary Ordinance (ASO) to provide for the creation of certain grant funded positions.

Supervisor Chu requested to be added as co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

080853 **[Liquor license - 251 Rhode Island Street]**

Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to Joseph Latimore for Gallery Sensei, located at 251 Rhode Island Street (District 10), will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

081076 **[Liquor license transfer - 1926 Lombard Street]**

Resolution determining that the transfer of a Type 21 off-sale general license from 1600 Lombard Street to 1926 Lombard Street (District 2), to Luigi and Brixhilda Daberdaku and Cezar and Georgeta Popovici for Luigi's Delicatessen, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Recommendations of the Government Audit and Oversight Committee

081091 **[Board of Supervisors response to the 2007-2008 Civil Grand Jury Report entitled "Fits and Starts: The Response of San Francisco Government to Past Civil Grand Jury Recommendations"]**

Supervisor Peskin

Resolution responding to the Presiding Judge of the Superior Court on the recommendations contained in the 2007-2008 Civil Grand Jury Report entitled “Fits and Starts: The Response of San Francisco Government to Past Civil Grand Jury Recommendations”.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

081092 **[Board of Supervisors response to the 2007-2008 Civil Grand Jury Report entitled "Accountability in San Francisco Government"]**

Supervisor Peskin

Resolution responding to the Presiding Judge of the Superior Court on the recommendations contained in the 2007-2008 Civil Grand Jury Report entitled “Accountability in San Francisco Government”.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

081094 **[Board of Supervisors response to the 2007-2008 Civil Grand Jury Report entitled "A Year of Five Elections for the City and County of San Francisco"]**
Supervisor Peskin

Resolution responding to the Presiding Judge of the Superior Court on the recommendations contained in the 2007-2008 Civil Grand Jury Report entitled "A Year of Five Elections for the City and County of San Francisco".

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Recommendations of the Land Use and Economic Development Committee

081117 **[Zoning - Interim Moratorium on Conversion of Residential Rental Units to Student Housing]**
Supervisors Daly, Peskin, Maxwell

Urgency Ordinance imposing an interim zoning moratorium on the conversion of residential rental units to student housing for 45 days and making required findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier
Excused: 1 - McGoldrick

071431 **[Planning Code - Restoration of Movie Theater Projecting Signs and Marquees]**
Supervisor Mirkarimi

Ordinance amending the San Francisco Planning Code by amending Sections 188, 603, and 604 and by adding Sections 602.25 and 602.26 in order to allow for the preservation, rehabilitation, restoration or reconstruction of noncomplying Historic Movie Theater Projecting Signs and Marquees, as defined; and making findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

080845 **[Changing the official sidewalk width - Golden Gate Avenue]**
Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1580 to change the official sidewalk width on the southerly side of Golden Gate Avenue between Larkin and Hyde Streets; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

080873 **[Naming the alleys behind the 2200 block of Fillmore Street Goldberg Lane]**
Supervisor Alioto-Pier

Resolution bestowing the new name of Goldberg Lane on the alleys behind the 2200 block of Fillmore Street, currently known as Unnamed Streets 110 and 111, in honor of the late Faye Goldberg.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

080778 **[Initiating amendments to Appendix K of Article 10 of the Planning Code regarding the Bush Street-Cottage Row Historic District]**
Supervisor Mirkarimi

Resolution initiating amendments to Appendix K of Article 10 of the Planning Code regarding the Bush Street-Cottage Row Historic District.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

081192 **[Accept-Expend Federal Grant - $2,280,000]**
Supervisor Maxwell

Resolution authorizing the Port of San Francisco to accept and expend a grant in the amount of $2,280,000 from the United States Department of Commerce, Economic Development Administration, for environmental investigation and hazardous materials abatement at the Port of San Francisco, Pier 70.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

080696 **[Zoning - New Controls for the North Beach Neighborhood Commercial District, to Limit the Establishment of New Bars and Restaurants and Preserve Basic Neighborhood Services]**

Supervisor Peskin

Ordinance amending the San Francisco Planning Code by adding new Section 780.3, to create the North Beach Special Use District; amending Section 781.6, to include Limited Financial Services and Business or Professional Services in the North Beach Financial Subdistrict; amending Section 722.1 and the Zoning Control Table in Section 722 to reflect the new controls for the North Beach Neighborhood Commercial District, including limiting the establishment of new bars and restaurants in the North Beach Neighborhood Commercial District in locations occupied by basic neighborhood sales or services, allowing restaurants to obtain liquor licenses if they operate as bona-fide eating places, and prohibiting the establishment of new automated bank teller machines; adding new Section 790.93, to create the new zoning category of Specialty Food, Self-Service; adding new Section 790.142, to create a new definition of Bona Fide Eating Place; amending Section 790.102 to allow general grocery stores to occupy less that 5,000 gross square feet, to modify the definition of specialty grocery stores, and to clarify that off-sale beer, wine and liquor sales are allowed within accessory limits in general and specialty grocery stores; amending Sections 790.34, 790.55, 790.90, 790.91, 780.1, 312, 303, 218.2, 703.2, 803.2, 803.3, 121.2, and 186.1, to reflect the changes created by the new Sections 790.93, 790.102, and 790.142, and to make conforming amendments; amending Sections 703.3, 710.1, 711.1, 712.1, 713.1, 714.1, 715.1, 716.1, 717.1, 718.1, 719.1, 720.1, 721.1, 722.1, 723.1, 724.1, 725.1, 726.1, 727.1, 728.1, 729.1, 730.1, 731.1, 732.1, 733.1, to refer to new Section 790.93; amending the Special Use District Map SU1 of the Zoning Map of the City and County of San Francisco, to refer to the new North Beach Special Use District and to reflect the amendments and new boundaries of the North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier
Excused: 1 - McGoldrick

080567 [Zoning - Ordinance creating a Conditional Use requirement for establishments that sell Tobacco Paraphernalia]
Supervisor Sandoval

Ordinance amending the Planning Code to add a new Section 227(v), to define Tobacco Paraphernalia Establishments, and to impose a conditional use requirement on the establishment of such new enterprises in all Commercial and Industrial districts; amending Section 303 of the Planning Code to refer to this requirement, and to require consideration of additional criteria when analyzing a Conditional Use application; adding a new Section 790.123, to define Tobacco Paraphernalia Establishments in the Neighborhood Commercial districts; amending sections 710.1, 711.1, 712.1, 713.1, 714.1, 715.1, 716.1, 717.1, 718.1, 719.1, 720.1, 721.1, 722.1, 723.1, 724.1, 725.1, 726.1, 727.1, 728.1, 729.1, 730.1, and 732.1, to refer to this definition and conditional use requirement; adding a new Section 890.89 to define Tobacco Paraphernalia Establishments in the Mixed Use districts; amending sections 803.1, 810.1, 811.1, 812.1, 814, 815, 816, 817, 818, and 827 to refer to this definition and Conditional Use requirement; and making findings, including findings of consistency with the Priority Policies of Planning Code Section 101.1 and environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

080720 [Landmark Designation of 1969 California Street (Tobin House)]
Supervisors Peskin, Sandoval

Ordinance designating 1969 California Street, the Tobin House, (Assessor's Block Number 0649, Lot Number 016), as a Landmark under Planning Code Article 10; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings. (Planning Department)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

081122 [Vacation of the Ingleside Path]
Supervisor Elsbernd

Resolution declaring the intention of the Board of Supervisors to vacate the Ingleside Path right-of-way between Ocean Avenue and Corona Street and Urbano and Head Streets; setting the hearing date for all persons interested in the proposed vacation of the street area; and adopting environmental findings and findings that the vacation is consistent with the City's General Plan and the eight priority policies of Planning Code Section 101.1.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

From the Land Use and Economic Development Committee Without Recommendation

081120 [Ordering vacation of the Ingleside Path]
Supervisor Elsbernd

Ordinance ordering the vacation of the Ingleside Path right-of-way between Ocean Avenue and Corona Street and Urbano and Head Streets subject to reservations of certain utility easements in the vacated area; authorizing the quit claim of the City's interest in the vacated right-of-way pursuant to the terms of the conveyancing documents; declaring such paths abandoned; adopting environmental findings and findings that such actions are consistent with the City's General Plan and the priority policies of Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance.

Continued to a public hearing on November 4, 2008 at 3:00 p.m.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

080652 [Rental Subsidy Program for Low-Income Families]

Ordinance adding Sections 48.1 through 48.7 to the San Francisco Administrative Code creating the Rental Subsidy Program for Low-Income Families that establishes a need-based local housing subsidy for homeless families subject to the fiscal and budgetary provisions of the Charter.

NOT PASSED ON FIRST READING by the following vote:

Ayes: 5 - Ammiano, Daly, Mirkarimi, Peskin, Sandoval
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell
Excused: 1 - McGoldrick

Supervisor Daly, seconded by Supervisor Ammiano, moved to rescind the previous vote.
Motion to rescind the previous vote passed by the following vote:
Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier
Excused: 1 - McGoldrick

Continued to October 21, 2008

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Recommendation of the Rules Committee

080616 [Appointment of Independent Hearing Officer for Local Enforcement Agency]
Supervisor Dufty

Ordinance amending the San Francisco Health Code by adding Sections 315, 318, 321, 323, 324, 327, 330, 333, 335, 337, 339, and 341 to authorize the appointment of an Independent Hearing Officer from the San Francisco Rent Board to conduct Local Enforcement Agency Hearings brought pursuant to the State Public Resources Code; establish procedures and qualifications for the appointment, and establish hearing procedures, cost recovery, and bases for hearing officer disqualification.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

From the Rules Committee Without Recommendation

081162 **[Appointment, Veterans Affairs Commission, Wallace Levin]**
Motion appointing Wallace Levin, term ending January 31, 2012, to the Veterans Affairs Commission.

Wallace Levin, succeeding himself, term expired, Seat 3, must be an at-large appointment, for four-year term ending January 31, 2012.

APPROVED by the following vote:
Ayes: 7 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, Peskin, Sandoval
Noes: 3 - Ammiano, Daly, Mirkarimi
Excused: 1 - McGoldrick

081243 **[Appointment, Veterans Affairs Commission, Stephen Noetzel]**
Motion appointing Stephen Noetzel, term ending January 31, 2012, to the Veterans Affairs Commission.

Stephen Noetzel, succeeding Wallace Levin, term expired, Seat 3, must be an at-large appointment, for four-year term ending January 31, 2012.

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Motion be TABLED. The motion carried by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Excused: 1 - McGoldrick

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Supervisor Maxwell welcomed, introduced and presented a Certificate of Honor to John Greenberg in recognition of his dedicated service to the Potrero Hill Recreation Center.

Supervisor Maxwell welcomed, introduced and presented a Certificate of Honor to members of the Junior League of San Francisco in recognition of their upcoming 100 year celebration of service.

SPECIAL ORDER 4:00 P.M.

Supervisor Daly was noted present at 3:55 p.m.
Supervisor Ammiano was noted absent at 4:05 p.m.

081171 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 800-808 Lyon Street/1980-1998 Golden Gate Avenue]

Hearing of persons interested in or objecting to the decision of the Planning Department dated September 2, 2008, (Case No. 2008.1009E) (Building Permit Application No. 2008/01/28/3333) is exempt from environmental review under Categorical Exemption, [State CEQA Guidelines, Section 15301 Class 1]. The project involves the removal of a rear deck and stairs from the property at 1980-1998 Golden Gate Avenue that currently encroaches on the side yard of the property at 800-808 Lyon Street and includes the installation of a new fire escape at the front facade of 1980-1998 Golden Gate Avenue. (Appellants: Raquel Fox of the Tenderloin Housing Clinic, Inc. on behalf of the tenants at 800-808 Lyon Street, 1998 Golden Gate Avenue and 1960 Golden Gate Avenue.)

(Filed September 3, 2008; Companion to Files 081172, 081173, 081174; District 5.)

The President inquired as to whether any member of the public wished to address the Board members.
Raquel Fox, Attorney for the appellant, Tenderloin Housing Clinic
Joe O'Donoghue; support of the appellant
Marianne Beck; support of the appellant
John Tamin; support of the appellant
Male speaker; support of the appellant
Curt Mueller; support of the appellant
Male speaker; support of the appellant
Jason Thrupp; support of the appellant
Ryan Macauley; support of the appellant

Viktoriya Wise and Matt Winthrop representatives of the Planning Department reviewed with Board the Planning Department's recommendations.

Pat Bustavich; Representative for the project sponsor

Rebuttal Period:
Raqual Fox, Attorney for the appellant

Heard at a public hearing.
The President declared the public hearing closed.
FILED.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

081172 **[Affirming the categorical exemption issued for the 800-808 Lyon Street/1980-1988 Golden Gate Avenue project]**

Motion affirming the determination by the Planning Department that the 800-808 Lyon Street/1980-1988 Golden Gate Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

Supervisor Mirkarimi, seconded by Supervisor Sandoval, moved to table File No. 081172 and approve File Nos. 081173 and 081174.
The previous motion failed by the following vote:
Ayes: 3 - Daly, Mirkarimi, Sandoval
Noes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, Peskin
Absent: 1 - Ammiano
Excused: 1 - McGoldrick

APPROVED by the following vote:
Ayes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, Peskin
Noes: 3 - Daly, Mirkarimi, Sandoval
Absent: 1 - Ammiano
Excused: 1 - McGoldrick

081173 **[Disapproving the categorical exemption issued for the 800-808 Lyon Street/1980-1988 Golden Gate Avenue project]**

Motion disapproving the determination by the Planning Department that the 800-808 Lyon Street/1980-1988 Golden Gate Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

TABLED by the following vote:
Ayes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, Peskin
Noes: 3 - Daly, Mirkarimi, Sandoval
Absent: 1 - Ammiano
Excused: 1 - McGoldrick

081174 **[Preparation of findings related to the 800-808 Lyon Street/1980-1988 Golden Gate Avenue project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 800-808 Lyon Street/1980-1988 Golden Gate Avenue is exempt from environmental review under the California Environmental Quality Act.

APPROVED by the following vote:
Ayes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, Peskin
Noes: 3 - Daly, Mirkarimi, Sandoval
Absent: 1 - Ammiano
Excused: 1 - McGoldrick

COMMITTEE REPORTS

080162 **[Disclosure of lobbying by campaign consultants]**
Supervisors Peskin, Daly

Ordinance amending Chapter 1 of Article II of the Campaign and Governmental Conduct Code by amending Section 2.117 to require campaign consultants to disclose lobbying contacts with any officer of the City and County.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

081008 **[Residential mental health treatment for youth in foster care]**
Supervisors Maxwell, Dufty

Ordinance amending the San Francisco Administrative Code by adding Sections 5.400 and 5.405 creating the San Francisco Task Force on Residential Treatment for Youth in Foster Care and providing for its expiration absent reauthorization by the Board of Supervisors.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

081061 **[Amending individual expenditure ceilings for partial public financing program]**
Supervisor Daly

Ordinance amending the Campaign and Governmental Conduct Code by amending Section 1.134.5 to modify the calculation governing when a publicly financed candidate may access additional public funds.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

081237 **[Appointments, Treasury Oversight Committee, Dr. Don Griffin, Ben Rosenfield, Todd Rydstrom]**
Supervisor Peskin

Resolution appointing Dr. Don Griffin, Ben Rosenfield, Todd Rydstrom, terms ending June 5, 2009, to the Treasury Oversight Committee.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

081196 **[Appropriating $40,520,000 2008 of Clean and Safe Park Bond proceeds for capital improvements for the Recreation and Park Department and Port Commission in Fiscal Year 2008-2009]**
Supervisors Peskin, Elsbernd, Chu

Ordinance appropriating $40,520,000 of 2008 Clean and Safe Park Bond sale proceeds fund the improvement and construction at various recreation and park facilities, including $36,875,562 in the Recreation and Park Department and $3,644,438 in the Port Commission for Fiscal Year 2008-2009.

(Fiscal Impact.)

Supervisor Chu requested to be added as co-sponsor.
PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

081236 [Appropriating $130,462.77 of unappropriated fund balance for the Pier 43 Bay Trail Link in the Port of San Francisco for Fiscal Year 2008-2009]
Supervisors Peskin, Elsbernd

Ordinance appropriating $130,462.77 of unappropriated fund balance for the construction of the Pier 43 Bay Trail Link public promenade from Powell to Taylor streets in the Port of San Francisco for Fiscal Year 2008-2009.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

081127 [PG&E rate increases]
Supervisors Peskin, Dufty

Resolution establishing the City's support for affordable rates for PG&E customers and directing the City Attorney and the Public Utilities Commission to participate in PG&E rate proceedings to advocate for reasonable rates.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megahed; expressed concern with issues relating to war
James Chaffee; expressed concern with issues relating to the SF Public Library
Richard McRee; exressed concern with issues relating to his patent for the desgin for Sigmund Stern Grove and with the time allotted for public comment
Walter Paulson; expressed in song certain issues with the renovating of the tenderloin
Cecil Mills; expressed concern with issues relating to the labeling of gasoline with the amount of profits made by oil corporations and issues relating to global warming

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Supervisor Daly was noted absent at 3:45 p.m.

081255 **[Conflict Resolution Day - October 16, 2008]**
Supervisor Daly

Resolution declaring October 16th "Conflict Resolution Day", to be recognized in San Francisco for the purpose of fostering awareness and use of conflict resolution tools within our schools and communities.

ADOPTED

080781 **[Final Map - 580 Washington Street]**
Motion approving Final Map 5025, a 9 Residential Unit and 3 Commercial Unit Mixed-Use Condominium Project, located at 580 Washington Street being a subdivision of Lot 029 in Assessors Block No. 0196 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,782; District 3.)

APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

080941 **[Settlement of Lawsuit - City and County of San Francisco, et al., v. Factory Mutual Insurance Company, et al. - $2,750,000]**
Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Factory Mutual Insurance Company and Bombardier Transportation, Inc. for $2,750,000 AND OTHER CONSIDERATION; the lawsuit was filed on DECEMBER 15, 2004, in The United States District Court, Northern District of California, Case No. C 04-5307 FMS; entitled City and County of San Francisco, et al., v. Factory Mutual Insurance Company, et al. (Airport Commission)
9/22/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

080942 **[Approval of contract pursuant to settlement; Waiver of competitive bidding - $56,500,000]**

Ordinance waiving competitive bid requirements and approving the award of an Operations and Maintenance Contract ("O&M") with Bombardier Transportation (Holdings) USA, Inc. (Bombardier) to operate and maintain the San Francisco International Airport's AirTrain system for five years in the amount of $56,500,000. (Airport Commission)

9/22/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

081068 **[Settlement of City's Lawsuit Against Defendant EnCana Corp]**

Ordinance authorizing partial settlement of the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023), filed by the City and County of San Francisco on June 8, 2004, and coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides approximately $265,695.80 to the City from defendant EnCana Corp. (City Attorney)

9/22/08, RECEIVED AND ASSIGNED to Rules Committee.

081216 **[Reward for Information about underpayment of property tax]**

Ordinance approving Assessor's recommended reward for information that led to detection of underpayment of property tax from unreported change of ownership.

9/22/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

081259 **[Settlement of Lawsuit - Karen Douma - $1,695,100.00]**

Ordinance authorizing settlement of the lawsuit filed by Karen Douma, individually, Karen Douma, as Personal Representative of the Estate Of David Douma, deceased, Jason Douma, individually, Pamela Fay, individually, and David Douma, Jr., individually against SF American Taxicab, Inc., Autos For Hire Rpg, Inc., Alem Belai, City And County Of San Francisco, Regents of The University of California, DOES 1 to 100, jointly and severally for $1,695,100.00; the lawsuit was filed on August 10, 2007 in San Francisco Superior Court, Case No. CGC-07-466068; entitled Karen Douma, et al., v. SF American Taxicab, Inc., et al. (City Attorney)

9/23/08, RECEIVED AND ASSIGNED to Rules Committee.

081260 **[Settlement of Lawsuit - James R. Figueroa - $65,000]**

Ordinance authorizing settlement of James R. Figueroa's claims in the lawsuit filed by James R. Figueroa against the City and County of San Francisco for $65,000; the lawsuit was filed on September 26, 2007, in the San Francisco Superior Court, Case No. 467599, entitled James Figueroa v. City and County of San Francisco dba Department of Public Works. (City Attorney)

9/23/08, RECEIVED AND ASSIGNED to Rules Committee.

081261 **[Settlement of Lawsuit - Husam Sajjan - $100,000.00]**

Ordinance authorizing settlement of the lawsuit filed by Husam Sajjan against the City and County of San Francisco for $100,000.00; the lawsuit was filed on December 12, 2006 in the San Francisco Superior Court, Case No. 458649; entitled Husam Sajjan v. City and County of San Francisco, et al. (City Attorney)

9/23/08, RECEIVED AND ASSIGNED to Rules Committee.

081262 **[Settlement of Lawsuit - Estate of Nicholas Torrico, et al. - $150,000.00]**

Ordinance authorizing settlement of the lawsuit filed by the Estate of Nicholas Torrico, et al. against the City and County of San Francisco for $150,000.00; the lawsuit was filed on July 13, 2007 in United States District Court, Case No. C07-3624 JCS; entitled Estate of Nicholas Torrico, et al., v. City and County of San Francisco, et al. (City Attorney)

9/29/08, RECEIVED AND ASSIGNED to Rules Committee.

081263 **[Approval of Settlement Agreement before the Federal Energy Regulatory Commission]**
Ordinance approving a settlement agreement related to the electricity crisis of 2000-2001 in proceedings before the Federal Energy Regulatory Commission and accepting distribution of settlement funds collected by FERC. (City Attorney)
9/29/08, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

080840 **[Amended Treasure Island/Yerba Buena Island Survey Area]**
Resolution designating and describing the Amended Treasure Island/Yerba Buena Island Survey Area in accordance with California Community Redevelopment Law. (Treasure Island Development Authority)
9/19/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

080946 **[Airport Concession Lease]**
Resolution approving the Lease Agreements for the Rental Car Center Operations between The Hertz Corporation; Avis Budget Car Rental, LLC; EAN, LLC; DTG Operations, Inc.; and Fox Rent a Car, Inc., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)
9/23/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081264 **[Agreement to Purchase Property in Tuolumne County - $70,000]**
Resolution approving and authorizing an agreement for the purchase of approximately 5.61 acres of unimproved land near Moccasin in Tuolumne County, for the protection of water quality for a purchase price of $70,000; adopting findings that the conveyance is exempt from Environmental Review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)
9/24/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081265 **[Approval of the Substance Abuse and Crime Prevention Act of 2000 and the Substance Abuse Offender Treatment Program Implementation Plan]**
Resolution authorizing adoption of the San Francisco County Plan for the Substance Abuse and Crime Prevention Act of 2000 and the Substance Abuse Offender Treatment Program for Fiscal Year 2008-2009. (Public Health Department)
9/26/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

081266 **[WSIP Agreement No. CS-914, Bay Division Regional Construction Management Services]**
Resolution approving the selection of Jacobs Engineering; awards Water System Improvement Program-funded Agreement No. CS-914, Bay Division Regional Construction Management Services. (Public Utilities Commission)
9/26/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 4:44 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, October 21, 2008 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Maufas, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Ammiano, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty, Ammiano	1st and 3rd Thursday 10:00 AM

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First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll Supervisors Alioto-Pier and McGoldrick were noted absent.

There was a quorum present.

Supervisors McGoldrick and Alioto-Pier were noted present at 2:06 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Chu, moved to approve the Board Meeting Minutes of September 9, 2008 and September 16, 2008. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

081203 [Appropriating $13,022,292 of State Proposition 42 and Proposition 1B revenue for road maintenance projects in the Department of Public Works for Fiscal Year 2008-2009]
Supervisors Elsbernd, Chu

Ordinance appropriating $11,756,665 of FY 2008-09 Proposition 42 State Funds and $1,265,627 of additional FY 2007-08 Proposition 1B State Funds for road maintenance and resurfacing projects in the Department of Public Works for Fiscal Year 2008-2009. The department will use the bond funds from the State to implement Bureau of Street and Sewer Repair road maintenance and resurfacing projects at various locations.

(Fiscal Impact.)

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

080621 **[Amending Health Code Article 8 - Food Preparation and Service Establishment]**
Mayor

Ordinance amending San Francisco Health Code Sections 451, 452, 456.4, 456.5, deleting Health Code Section 455, and amending San Francisco Business and Tax Regulations Code Section 249.1 to include definition for licensed health care facilities, clarify the definition for hospital kitchen, update definitions to be consistent with the California Retail Food Code; add a fee for licensed health care facilities; and add lien procedures for enforcing monetary penalties.

FINALLY PASSED

081121 **[Accept-Expend state grant and amend Annual Salary Ordinance, FY 2008-09 - $400,000]**
Supervisors Elsbernd, Dufty, Chu

Ordinance authorizing the Mayor's Office of Criminal Justice to retroactively accept and expend a grant in the amount of $400,000 from the California Governor's Office of Emergency Services (OES) for gang violence reduction activities, and amending the Annual Salary Ordinance (ASO) to provide for the creation of certain grant funded positions.

FINALLY PASSED

081229 **[Accept and Expend EPA West Coast Collaborative FOG to Biodiesel Grant funds - $175,000]**
Supervisor Chu

Resolution authorizing the San Francisco Public Utilities Commission to accept and expend an EPA FOG to Biodiesel Grant in the amount of $175,000 through the West Coast Collaborative.

ADOPTED

081254 **[Accept-Expend San Francisco Giants Community Fund and the Good Tidings Foundation gift - $100,000]**
Mayor

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a gift in the estimated amount of $100,000 from the San Francisco Giants Community Fund and the Good Tidings Foundation for Excelsior Playground baseball/softball field improvements.

ADOPTED

Recommendations of the Government Audit and Oversight Committee

081196 **[Appropriating $40,520,000 of 2008 Clean and Safe Park Bond proceeds for capital improvements for the Recreation and Park Department and Port Commission in Fiscal Year 2008-2009]**
Supervisors Peskin, Elsbernd, Chu

Ordinance appropriating $40,520,000 of 2008 Clean and Safe Park Bond sale proceeds fund the improvement and construction at various recreation and park facilities, including $36,875,562 in the Recreation and Park Department and $3,644,438 in the Port Commission for Fiscal Year 2008-2009.

(Fiscal Impact.)

FINALLY PASSED

081236 **[Appropriating $130,462.77 of unappropriated fund balance for the Pier 43 Bay Trail Link in the Port of San Francisco for Fiscal Year 2008-2009]**
Supervisors Peskin, Elsbernd

Ordinance appropriating $130,462.77 of unappropriated fund balance for the construction of the Pier 43 Bay Trail Link public promenade from Powell to Taylor streets in the Port of San Francisco for Fiscal Year 2008-2009.

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

071431 **[Planning Code - Restoration of Movie Theater Projecting Signs and Marquees]**
Supervisor Mirkarimi

Ordinance amending the San Francisco Planning Code by amending Sections 188, 603, and 604 and by adding Sections 602.25 and 602.26 in order to allow for the preservation, rehabilitation, restoration or reconstruction of noncomplying Historic Movie Theater Projecting Signs and Marquees, as defined; and making findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

FINALLY PASSED

080720 **[Landmark Designation of 1969 California Street (Tobin House)]**
Supervisors Peskin, Sandoval

Ordinance designating 1969 California Street, the Tobin House, (Assessor's Block Number 0649, Lot Number 016), as a Landmark under Planning Code Article 10; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings. (Planning Department)

FINALLY PASSED

080845 **[Changing the official sidewalk width - Golden Gate Avenue]**
Supervisor McGoldrick

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1580 to change the official sidewalk width on the southerly side of Golden Gate Avenue between Larkin and Hyde Streets; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

Supervisor McGoldrick requested to be added as sponsor.
FINALLY PASSED

080567 [Zoning - Ordinance creating a Conditional Use requirement for establishments that sell Tobacco Paraphernalia]
Supervisor Sandoval

Ordinance amending the Planning Code to add a new Section 227(v), to define Tobacco Paraphernalia Establishments, and to impose a conditional use requirement on the establishment of such new enterprises in all Commercial and Industrial districts; amending Section 303 of the Planning Code to refer to this requirement, and to require consideration of additional criteria when analyzing a Conditional Use application; adding a new Section 790.123, to define Tobacco Paraphernalia Establishments in the Neighborhood Commercial districts; amending sections 710.1, 711.1, 712.1, 713.1, 714.1, 715.1, 716.1, 717.1, 718.1, 719.1, 720.1, 721.1, 722.1, 723.1, 724.1, 725.1, 726.1, 727.1, 728.1, 729.1, 730.1, and 732.1, to refer to this definition and conditional use requirement; adding a new Section 890.89 to define Tobacco Paraphernalia Establishments in the Mixed Use districts; amending sections 803.1, 810.1, 811.1, 812.1, 814, 815, 816, 817, 818, and 827 to refer to this definition and Conditional Use requirement; and making findings, including findings of consistency with the Priority Policies of Planning Code Section 101.1 and environmental findings.

FINALLY PASSED

Recommendations of the Rules Committee

080162 [Disclosure of lobbying by campaign consultants]
Supervisors Peskin, Daly

Ordinance amending Chapter 1 of Article II of the Campaign and Governmental Conduct Code by amending Section 2.117 to require campaign consultants to disclose lobbying contacts with any officer of the City and County.

FINALLY PASSED

080616 [Appointment of Independent Hearing Officer for Local Enforcement Agency]
Supervisor Dufty

Ordinance amending the San Francisco Health Code by adding Sections 315, 318, 321, 323, 324, 327, 330, 333, 335, 337, 339, and 341 to authorize the appointment of an Independent Hearing Officer from the San Francisco Rent Board to conduct Local Enforcement Agency Hearings brought pursuant to the State Public Resources Code; establish procedures and qualifications for the appointment, and establish hearing procedures, cost recovery, and bases for hearing officer disqualification.

FINALLY PASSED

081008 [Residential mental health treatment for youth in foster care]
Supervisors Maxwell, Dufty

Ordinance amending the San Francisco Administrative Code by adding Sections 5.400 and 5.405 creating the San Francisco Task Force on Residential Treatment for Youth in Foster Care and providing for its expiration absent reauthorization by the Board of Supervisors.

FINALLY PASSED

081061 [Amending individual expenditure ceilings for partial public financing program]
Supervisor Daly

Ordinance amending the Campaign and Governmental Conduct Code by amending Section 1.134.5 to modify the calculation governing when a publicly financed candidate may access additional public funds.

FINALLY PASSED

081149 [Appointment, Commission on the Aging Advisory Council - Catherine Rose Russo]
Motion appointing Catherine Rose Russo, term ending March 31, 2010, to the Commission on the Aging Advisory Council.

Catherine Rose Russo, succeeding herself, term expired, seat 6, must be nominee of District 7 Supervisor, for two-year term ending March 31, 2010.

APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

081299 [Adopting findings related to affirming the categorical exemption issued for 800-808 Lyon Street/1980-1988 Golden Gate Avenue]
Motion adopting findings related to affirming the determination by the Planning Department that the 800-808 Lyon Street/1980-1988 Golden Gate Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

APPROVED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Budget and Finance Committee

081200 **[Appropriating $51,336,923 of revenue for the Laguna Honda Hospital Replacement Project in the Department of Public Works for Fiscal Year 2008-09]**
Mayor

Ordinance appropriating $25,611,567 of Tobacco Settlement Revenues and $25,725,356 of the 1999 Laguna Honda Hospital General Obligation Bond Proceeds Interest Earnings from the 2005A, 2005B, 2005C, 2005D, and 2005I Series for the Laguna Honda Hospital Replacement Project in the Department of Public Works for Fiscal Year 2008-2009.

(Fiscal Impact.)

FINALLY PASSED by the following vote:
Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier

Recommendations of the Land Use and Economic Development Committee

080521 **[Citywide Affordable Housing Preference for Certificate of Preference Holders]**
Supervisors Mirkarimi, Dufty, Maxwell

Ordinance providing that all City affordable housing programs give preference in those programs to Certificate of Preference Holders under the San Francisco Redevelopment Agency's Property Owner and Occupant Preference Program by adding Administrative Code Section 24.8 to provide that all City affordable housing programs administered by the Mayor's Office of Housing or other City Department give preference in those programs to Certificate of Preference holders; and amending Administrative Code Sections 43.3.4 to provide for preference in the affordable housing and home ownership bond program; Section 10.100-110 to provide for preference in the expenditure of funds from the Mayor's Housing Affordability Fund; 10-100-370 to provide for preference in the use of HOPE SF funds; and amending Planning Code Sections 313.12, 315.4, 315.5, and 315.6 to provide for preference in the Citywide Affordable Housing funds generated by the Jobs-Housing Linkage Program and the Residential Inclusionary Affordable Housing program and in the allocation of all on- and off-site inclusionary housing units in those programs.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080696 [Zoning - New Controls for the North Beach Neighborhood Commercial District, to Limit the Establishment of New Bars and Restaurants and Preserve Basic Neighborhood Services]
Supervisor Peskin

Ordinance amending the San Francisco Planning Code by adding new Section 780.3, to create the North Beach Special Use District; amending Section 781.6, to include Limited Financial Services and Business or Professional Services in the North Beach Financial Subdistrict; amending Section 722.1 and the Zoning Control Table in Section 722 to reflect the new controls for the North Beach Neighborhood Commercial District, including limiting the establishment of new bars and restaurants in the North Beach Neighborhood Commercial District in locations occupied by basic neighborhood sales or services, allowing restaurants to obtain liquor licenses if they operate as bona-fide eating places, and prohibiting the establishment of new automated bank teller machines; adding new Section 790.93, to create the new zoning category of Specialty Food, Self-Service; adding new Section 790.142, to create a new definition of Bona Fide Eating Place; amending Section 790.102 to allow general grocery stores to occupy less that 5,000 gross square feet, to modify the definition of specialty grocery stores, and to clarify that off-sale beer, wine and liquor sales are allowed within accessory limits in general and specialty grocery stores; amending Sections 790.34, 790.55, 790.90, 790.91, 780.1, 312, 303, 218.2, 703.2, 803.2, 803.3, 121.2, and 186.1, to reflect the changes created by the new Sections 790.93, 790.102, and 790.142, and to make conforming amendments; amending Sections 703.3, 710.1, 711.1, 712.1, 713.1, 714.1, 715.1, 716.1, 717.1, 718.1, 719.1, 720.1, 721.1, 722.1, 723.1, 724.1, 725.1, 726.1, 727.1, 728.1, 729.1, 730.1, 731.1, 732.1, 733.1, to refer to new Section 790.93; amending the Special Use District Map SU1 of the Zoning Map of the City and County of San Francisco, to refer to the new North Beach Special Use District and to reflect the amendments and new boundaries of the North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier

081087 [Condominium conversion lottery based on seniority of participation]
Supervisor McGoldrick

Ordinance amending the Subdivision Code by amending Section 1396 to extend the annual 200-unit condominium conversion lottery; amending Section 1396.3 to continue the prioritization of the condominium conversion lottery based on seniority of participation in prior lotteries; and making environmental findings.

Supervisors Dufty and Mirkarimi were previously excused from voting on this matter.

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 2 - Dufty, Mirkarimi

From the Land Use Committee Without Recommendation

080652 [Rental Subsidy Program for Low-Income Families]
Supervisors Daly, Ammiano, Sandoval

Ordinance adding Sections 48.1 through 48.7 to the San Francisco Administrative Code creating the Rental Subsidy Program for Low-Income Families that establishes a need-based local housing subsidy for homeless families subject to the fiscal and budgetary provisions of the Charter.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NOT PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 5 - Ammiano, Daly, Mirkarimi, Peskin, Sandoval
Noes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick

NEW BUSINESS

Recommendations of the Budget and Finance Committee

081160 [Appropriating $86,367,000 of Bond revenue and adopting environmental findings for Crystal Springs Bypass Tunnel at the Public Utilities Commission for Fiscal Year 2008-2009]
Supervisor McGoldrick

Ordinance appropriating $86,367,000 of Proceeds from Sale of Bonds for the Water System Improvement Program's (WSIP) construction of the Crystal Springs Bypass Tunnel Project at the San Francisco Public Utilities Commission for Fiscal Year 2008-2009, placing the entire appropriation on Controller's reserve pending the proceeds of indebtedness, and adopting environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Mayor)

(Fiscal Impact.)

Supervisor McGoldrick requested to be added as sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081226 **[Accept-Expend Metropolitan Transportation Commission Grant and Amendment to the Annual Salary Ordinance, FY 2008-2009]**
Supervisor Alioto-Pier

Ordinance authorizing the Department of the Environment to accept and expend a grant up to the amount of $210,000 over the next three fiscal years from the Metropolitan Transportation Commission to provide Transportation Demand Management services to employers on behalf of the 511 Regional Rideshare Program, with the City providing 11.47% of the project costs, and amending Annual Salary Ordinance Number 141-08 to reflect the addition of one (1) grant funded position at the Department of the Environment.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081085 **[Public Employment - Office of the Public Defender]**
Supervisor McGoldrick

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance FY 2008-2009) to reflect the addition of two positions (2.0 FTE) Class 8177 Attorneys (Civil/Criminal) in the Office of the Public Defender (PDR).

(Supervisor Elsbernd dissented in committee.)
(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 7 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 4 - Alioto-Pier, Chu, Elsbernd, Peskin

081197 **[Transfer of Real Property - 575 Polk Street]**
Mayor

Ordinance authorizing the transfer of responsibilities for the court facilities at 575 Polk Street and the agreement to make ongoing payments of fixed court facility payments equal to $323,132.00 per year, adjusted by an inflation index, to the State of California pursuant to such transfer.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081198 **[Transfer of Real Property - 400 McAllister Street]**
Mayor

Ordinance authorizing the transfer of responsibilities and the future transfer of fee interest in the court facility located at 400 McAllister Street and the agreement to make ongoing payments of fixed court facility payments equal to $955,022.00 per year, adjusted by an inflation index, to the State of California pursuant to such transfer.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081110 [Authorizing the Sheriff's Department to amend its contract with ARAMARK Correctional Services, LLC, for Jail Food Services]

Resolution authorizing the Sheriff's Department to enter into a second amendment to the agreement between the City and County and ARAMARK Correctional Services, LLC, to increase the contract amount from $15.2 million to an amount not to exceed $24 million and to extend the contract term to June 30, 2010. (Sheriff)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081151 [Easement Deed and findings related to the SFPUC's New Crystal Springs Bypass Tunnel water infrastructure project]

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the New Crystal Springs Bypass Tunnel Project; making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1; and authorizing and approving the execution, delivery and acceptance of an Easement Deed from the County of San Mateo granting to City certain easement rights in real property located beneath and adjacent to portions of Polhemus Road in San Mateo County. (Public Utilities Commission)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081167 [Lease of Real Property at 1700-1740 17th Street and 1415 16th Street, San Francisco]

Resolution authorizing the lease of property, with a first right of refusal to purchase, comprising approximately 52,125 square feet of improvements upon a lot area of 62,373 square feet, located at 1700-1740 17th Street and 1415 16th Street (Assessor's Block 3955, Lot 002) in San Francisco for the San Francisco Police Department. (Real Estate Department)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 8 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Mirkarimi, Peskin, Sandoval
Noes: 3 - Ammiano, Maxwell, McGoldrick

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved to rescind the previous vote and re-refer this matter to Committee.
Motion to rescind the previous vote and re-refer the matter to Committee failed by the following vote:
Ayes: 4 - Ammiano, Maxwell, McGoldrick, Mirkarimi,
Noes: 7 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Peskin, Sandoval

081168 [Agreement with PRWT Services, Inc. for Citation Processing Services]

Resolution authorizing a five year agreement, with option to renew for up to an additional five years, with PRWT Services, Inc. for an amount not to exceed $53,475,441. (Municipal Transportation Agency)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081186 [Accept-Expend Regional Grant, Airport Commission - $1,399,709.57]
Supervisor Alioto-Pier

Resolution authorizing the Airport Commission to accept and expend three (3) grants totaling $1,399,709.57 from the Bay Area Air Quality Management District (Air District) for acquisition of clean air vehicles and emissions control equipment by Airport transportation operators.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081188 [Approval of Port Lease for Portco, Inc. at 360 Jefferson Street, Fisherman's Wharf]
Mayor

Resolution approving Port Commission Lease No. L-14564 with Portco, Inc, for a ten (10) year term and one five (5) year extension option for certain real property located at 360 Jefferson in the Fisherman's Wharf area of the City and County of San Francisco.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081194 [Supporting Goals for Federal Funding-Community Development Block Grant]
Supervisor McGoldrick

Resolution supporting Fiscal Year 2009-2010 Community Development Block Grant (CDBG) Action Plan Goals.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081201 [Contract between the Department of Public Health and SF Community Health Authority to provide universal health insurance services for SF children and young adults - $19,486,273]
Mayor

Resolution retroactively authorizing the Director of Public Health and the Director of the Office of Contract Administration/Purchaser to enter into a contract amendment between the City and County of San Francisco and the San Francisco Community Health Authority to provide universal health insurance services for San Francisco children and young adults aged 0 through 18 and young parents aged 19 through 24 for the new period of July 1, 2007 through June 30, 2009 in the amount of $19,486,273.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081253 [Single Family Housing Bond REO and Refinance program]
Mayor, Supervisors Maxwell, McGoldrick, Chu

Resolution authorizing an application by the Mayor's Office of Housing to the California Debt Limit Allocation Committee to permit the issuance of Single Family Housing Bonds in an aggregate amount not to exceed $10,115,243 to enable the purchase of Real Estate Owned (REO) single family units by low and moderate income households and the refinance of subprime and adjustable rate mortgages (ARM) to 30 and 40 year amortized fixed mortgages for low and moderate income households in single family homes.

Supervisor Chu requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081256 [Accept and Expend Grant - Office of Language Services - $40,000]
Supervisors McGoldrick, Chu

Resolution retroactively authorizing the Office of Language Services to accept and expend grant funds in the amount of $40,000 from the Zellerbach Family Foundation to create a pilot program to expand the organizational capacity of the City's law enforcement, criminal justice, and emergency management agencies to meet the cultural and linguistic needs of limited English proficient victims of domestic violence.

Supervisor Chu requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Budget and Finance Committee Without Recommendation

081086 [Public Works Code - annual right-of-way occupancy assessment fee for driveways]
Supervisor McGoldrick

Ordinance amending the Public Works Code by amending Section 716 to establish an annual public right-of-way occupancy assessment fee for the portion of an automobile runway (driveway) that requires modification to the public right-of-way; and making environmental findings.

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Continued as amended to November 18, 2008.

CONTINUED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Government Audit and Oversight Committee

080954 [Planning Code-Amending Article 11 Designation of 690 Market Street]
Supervisor Peskin

Ordinance amending the designation of 690 Market Street from "Unrated—Category V" to "Significant—Category II" under Planning Code Article 11; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings.

Continued to October 28, 2008

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081216 [Reward for Information about underpayment of property tax]

Ordinance approving Assessor's recommended reward for information that led to detection of underpayment of property tax from unreported change of ownership.

Supervisor McGoldrick requested to be added as sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081228 [Appropriating $498,304 General Fund Reserve for Mission District violence prevention and reduction grants in the Department of Children, Youth and Their Families for Fiscal Year 2008-2009]
Supervisor Ammiano

Ordinance appropriating $498,304 from the General Fund Reserve for high risk youth violence prevention and reduction grants focusing on intensive case management, outreach and programming in the Mission District in the Department of Children, Youth and Their Families for Fiscal Year 2008-2009.

(Fiscal Impact.)

File 081228 was duplicated. See File 0821321.

File 081228 was continued to November 4, 1008.

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081321 [Appropriating $498,304 General Fund Reserve for Mission District violence prevention and reduction grants in the Department of Children, Youth and Their Families for Fiscal Year 2008-2009]
Supervisor Ammiano

Ordinance appropriating $498,304 from the General Fund Reserve for high risk youth violence prevention and reduction grants focusing on intensive case management, outreach and programming in the Mission District in the Department of Children, Youth and Their Families for Fiscal Year 2008-2009.

(Fiscal Impact.)

REFERRED to the Public Safety Committee.

Recommendations of the Land Use and Economic Development Committee

080883 **[Zoning Map - Creating the New Mission-Harrington Special Use District]**
Supervisor Sandoval

Ordinance amending the San Francisco Planning Code by adding new Section 780.3, creating the Mission-Harrington Special Use District, located at 4550 Mission Street at the intersection with Harrington Street; amending the Table at Section 712, to refer to this new Special Use District; amending the Zoning Maps Special Use District Map SU11, Zoning Map ZN11 and Height and Bulk Map HT11 of the Zoning Map of the City and County of San Francisco, to refer to this new Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081161 **[Mission Bay North-Acceptance of Land and Improvements for Block N2]**

Ordinance accepting the Mission Bay Block N2 Public Improvements on Third, Fourth, Berry, and King Streets; approving the dedication of the strips of land along the west side of Third Street, East Side of Fourth Street, North side of Berry Street and South Side of King Street for right-of-way purposes; designating street grades and sidewalk widths; accepting the irrevocable offer for the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 177,778; and authorizing official acts in connection with this ordinance. (Public Works Department)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081052 **[Street Encroachment, Various Locations]**
Supervisor Peskin

Resolution granting revocable permission to Fisherman's Wharf Community Benefit District to occupy a portion of the public right-of-way to install and maintain a way-finding sign (a total of 10 signs) at the following locations: a) on the north side of Beach Street between Powell and Mason Streets, b) on the north side of Beach Street between Mason and Taylor Streets, c) on the north side of Beach Street between Jones and Leavenworth Streets, d) on the north side of Beach Street between Leavenworth and Hyde Streets, e) on the north side of Beach Street at Larkin Street, f) on the west side of Taylor Street between Jefferson and Beach Streets, g) on the west side of Taylor Street between Beach and North Point Streets, h) on the west side of Taylor Street between North Point and Bay Streets, i) on the east side of Leavenworth Street between Jefferson and Beach Streets, and j) on the east side of Hyde Street between Beach and North Point Streets conditioned upon the payment of an annual assessment fee, and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Public Works Department)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Land Use Committee Without Recommendation

080436 **[Authorizing the passthrough from landlord to residential tenant of fifty percent of water and sewer services cost increases imposed through adoption of water and sewer rates after July 1, 2002, to provide incentives for the conservation of water]**

Supervisors Alioto-Pier, Chu, Elsbernd

Ordinance amending the San Francisco Administrative Code to encourage water conservation by authorizing landlords to pass through to tenants fifty percent of increased water and sewer bill charges resulting from the adoption of water and sewer rates after July 1, 2002, where specified water conservation devices have been installed in all rental units and common areas of a building and no plumbing leaks exist in the building; and providing for passthrough administration, noticing and enforcement procedures.

Continued to October 28, 2008

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick
Noes: 5 - Ammiano, Daly, Mirkarimi, Peskin, Sandoval

Recommendation of the Rules Committee

Supervisor Chu Excused from Voting

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved to excuse Supervisor, at his/her request, because of possible conflict of interest, from voting. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080884 **[Appointment, San Francisco Children and Families First Commission - Supervisor Carmen Chu]**

Supervisor Peskin

Resolution appointing Supervisor Carmen Chu, term indefinite, to the San Francisco Children and Families First Commission.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Chu

Board of Supervisors Sitting as a Committee of the Whole

081301 **[Committee of the Whole - Hearing on the impacts of the economic crisis on San Francisco and the development of a blueprint for economic recovery]**
Supervisors Peskin, Elsbernd, Maxwell, Chu, Mirkarimi, Daly, Dufty, Sandoval, Alioto-Pier, Ammiano

Hearing to consider the City's resources and plan to address the economic crisis, to be held on October 21, 2008.

Ben Rosenfield, Controller, Ted Egan, Economic Analyst, Nadia Sesay, Director, Public Finance, Ben Kutnick, Airport representative, Clare Murphy, Executive Director, Employees' Retirement System, Michael Cohen, Director, Office of Economic and Workforce Development and Joe Delassandro, Convention and Visitor's Bureau reviewed with the Board impacts of the economic crisis in San Francisco.
Speakers
Robert Haaland expressed concern with the economic crisis
Female speaker expressed concern with the economic crisis
Linda Magellan; Union Square Association, expressed concern with the economic crisis and the need for increase tourism
Steve Faulk; Chamber of Commerce,expressed concern with the economic crisis and the need for increase tourism
Jim Lazarus; Chamber of Commerce,expressed concern with the economic crisis the need for increase tourism
JT; Fine Arts Museum; expressed concern with the economic crisis the need for increase tourism
Andrew Wood; SF Arts Festival, expressed concern with the economic crisis the need for increase tourism
Michael Fong; SF General Hospital Institutional Police Officer, expressed concern with budget cuts
Mr. Kashmeri; SF General Hospital worker, expressed concern with budget cuts
John Jenkel; expressed concern with the economic crisis and budget cuts due to the war in Iraq
Diane Acevedo; shared information relating to housing possibilities
The President declared the public hearing closed.
Heard at public hearing.
FILED.

SPECIAL ORDER 3:00 P.M.

081291 **[Hearing - Ground Lease of Redevelopment Agency Land to Mercy Housing California, XLI - 227-255 Seventh Street]**
Supervisor Daly

Hearing of persons interested in or objecting to proposed resolution authorizing a ground lease with the Redevelopment Agency of the City and County of San to lease a portion of the Site located at 227-255 Seventh Street for the development commonly known as Westbrook Plaza Housing (the "Project"), with Mercy Housing California XLI, a California Limited Partnership, for 60 years for the purpose of developing and operation of housing for low income families, South of Market Redevelopment Project Area.

The President inquired as to whether any member of the public wished to address the Board members.
Olson Lee, Executive Director of the Redevelopment Agency reviewed with the Board it's recommendations.
The President declared the public hearing closed.
Heard at public hearing.
FILED by the following vote:
Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 2 - Alioto-Pier, Sandoval

081292 **[Ground Lease of Redevelopment Agency Land to Mercy Housing California, XLI - 227-255 Seventh Street]**
Supervisor Daly

Resolution authorizing a ground lease with the Redevelopment Agency of the City and County of San to lease a portion of the Site located at 227-255 Seventh Street for the development commonly known as Westbrook Plaza Housing (the "Project"), with Mercy Housing California XLI, a California Limited Partnership, for 60 years for the purpose of developing and operation of housing for low income families, South of Market Redevelopment Project Area.

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 2 - Alioto-Pier, Sandoval

081293 **[Hearing - Ground Lease of Redevelopment Agency Land to San Francisco Medical Center Outpatient Improvement Programs, Inc. - 227-255 Seventh Street]**
Supervisor Daly

Hearing of persons interested in or objecting to proposed resolution authorizing a Ground Lease with the San Francisco Redevelopment Agency of the City and County of San Francisco to lease a portion of the site located at 227-255 Seventh Street, Assessor's Block 3731, Lots 126 and 154 for the development and operation of a health clinic, with San Francisco Medical Center Outpatient Improvement Programs, Inc., a California nonprofit public benefit corporation, d/b/a South of Market Health Center; South of Market Redevelopment Project Area.

The President inquired as to whether any member of the public wished to address the Board members.
Olson Lee, Executive Director of the Redevelopment Agency reviewed with the Board it's recommendations.
The President declared the public hearing closed.
Heard at public hearing.

FILED by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 2 - Alioto-Pier, Sandoval

081294 **[Ground Lease of Redevelopment Agency Land to San Francisco Medical Center Outpatient Improvement Programs, Inc. - 227-255 Seventh Street]**
Supervisor Daly

Resolution authorizing a Ground Lease with the San Francisco Redevelopment Agency of the City and County of San Francisco to lease a portion of the site located at 227-255 Seventh Street, Assessor's Block 3731, Lots 126 and 154 for the development and operation of a health clinic, with San Francisco Medical Center Outpatient Improvement Programs, Inc., a California nonprofit public benefit corporation, d/b/a South of Market Health Center; South of Market Redevelopment Project Area.

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 2 - Alioto-Pier, Sandoval

081295 [Hearing - Ground Lease of Redevelopment Agency Land for Armstrong Place Senior Housing]
Supervisor Maxwell

Hearing of persons interested in or objecting to proposed resolution approving the Redevelopment Agency of the City and County of San Francisco's Ground Lease (the "Ground Lease") for Block 5421, Lot 13 commonly known as Armstrong Place Senior Housing (the "Project"), to Armstrong Place Associates, a California Limited Partnership, for 75 years for the purpose developing housing for very low income senior households.

The President inquired as to whether any member of the public wished to address the Board members.
Olson Lee, Executive Director of the Redevelopment Agency reviewed with the Board it's recommendations.
The President declared the public hearing closed.
Heard at public hearing.

FILED by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 2 - Alioto-Pier, Sandoval

081296 [Ground Lease of Redevelopment Agency Land for Armstrong Place Senior Housing]
Supervisor Maxwell

Resolution approving the Redevelopment Agency of the City and County of San Francisco's Ground Lease (the "Ground Lease") for Block 5421, Lot 13 commonly known as Armstrong Place Senior Housing (the "Project"), to Armstrong Place Associates, a California Limited Partnership, for 75 years for the purpose developing housing for very low income senior households.

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 2 - Alioto-Pier, Sandoval

081297 [Hearing - Ground Lease of Redevelopment Agency Land for Octavia Court Rental Housing - 301 Oak Street/261 Octavia Boulevard]
Supervisor Mirkarimi

Hearing of persons interested in or objecting to proposed resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at Assessor's Block 839, Lot 29, commonly known as 301 Oak Street/261 Octavia Boulevard, southwest corner of Oak Street and Octavia Boulevard, San Francisco, California (the "Site") in San Francisco's Central Freeway corridor, to OCTAVIA COURT, INC., a California nonprofit public benefit corporation, for 75 years for the purpose of developing housing for very low-income developmentally disabled adult households.

The President inquired as to whether any member of the public wished to address the Board members.
Olson Lee, Executive Director of the Redevelopment Agency reviewed with the Board it's recommendations.
The President declared the public hearing closed.
Heard at public hearing.

FILED by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 2 - Alioto-Pier, Sandoval

081298 **[Ground Lease of Redevelopment Agency Land for Octavia Court Rental Housing - 301 Oak Street/261 Octavia Boulevard]**
Supervisor Mirkarimi

Resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at Assessor's Block 839, Lot 29, commonly known as 301 Oak Street/261 Octavia Boulevard, southwest corner of Oak Street and Octavia Boulevard, San Francisco, California (the "Site") in San Francisco's Central Freeway corridor, to OCTAVIA COURT, INC., a California nonprofit public benefit corporation, for 75 years for the purpose of developing housing for very low-income developmentally disabled adult households.

ADOPTED by the following vote:
Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 2 - Alioto-Pier, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Chu, seconded by Supervisor Elsbernd, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Chu introduced, welcomed and presented a Certificate of Honor to Shannon Rowbury in recognition of the medal she won at the Summer Olympics.

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdulla Megaheed; expressed concern with issues relating to the Iraq War
James Chaffee; expressed concern with issues relating to the SF Public Library
Walter Paulson; expressed in song various issues in the City and County of San Francisco
Richard McRee; expressed concern with issues relating to his patent for Sigmund Stern Grove
John Di Donna; expressed concern with issues relating to the Republican party
Peter Warfiled; expressed concern with issues relating to a potential SF Public Library bond
Mark Trout; expressed concern with issues relating to Proposition 8
Female speaker; expressed concern with issues relating to a flyer from the Real Estate Board relating to Supervisorial candidate
Robert Haaland; expressed concern with issues relating to mid year budget cuts

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

081300 **[Committee of the Whole - October 21, 2008 regarding the impacts of the economic crisis on San Francisco and the development of a blueprint for economic recovery]**
Supervisors Peskin, Elsbernd, Maxwell, Chu, Mirkarimi, Daly, Dufty, Sandoval, Alioto-Pier, Ammiano

Motion scheduling the Board to sit as a Committee of the Whole to review the City's resources and plan to address the economic crisis, to be held on October 21, 2008.

APPROVED

081302 **[International Credit Union Day - October 16, 2008]**
Supervisor Peskin

Resolution declaring October 16, 2008 International Credit Union Day in San Francisco.

ADOPTED

081303 [Grant funds to support worker health and safety - $32,249]
Supervisor Chu

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $32,249 from the Chinese Progressive Association for a project entitled "Worker Health and Safety in Chinatown Restaurants," for the period of August 1, 2008 through July 31, 2010.

ADOPTED

081304 [State grant to support the High Risk (Pest Exclusion) program - $44,195]
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health (DPH), to retroactively accept and expend funds from the California Department of Food and Agriculture (CDFA) in the amount of $44,195 in support of the High Risk (Pest Exclusion) Program, for the period of July 1, 2008 through June 30, 2009.

ADOPTED

081305 [Landmark designation nomination for the California Buckeye tree located behind 757 Pennsylvania Street]
Supervisor Maxwell

Resolution of intent initiating the nomination of the California Buckeye tree (Aesculus Californica) located behind 757 Pennsylvania Street, (Assessor's Bock 416B, Lot 11) for landmark tree status pursuant to Public Works Code Section 810(b), acknowledging temporary designation pursuant to Public Works Section 810(d), and authorizing other official acts in furtherance of the Resolution.

ADOPTED

081306 [Commending Jazzie Collins]
Supervisor Daly

Resolution recognizing Jazzie Collins for her dedication and leadership in improving conditions for SoMa residents and those of San Francisco's diverse communities.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

081317 [Authorizing Settlement of Attorney's Fees and Costs Claim Following Lawsuit - $380,000]

Ordinance authorizing settlement of the claim for attorney's fees and costs incurred by Paula Fiscal, Larry Barsetti, Rebecca Kidder, Dana Drenkoski, John Candido, Alan Byard, Andrew Sirkis, National Rifle Association, Second Amendment Foundation, California Association of Firearm Retailers, Law Enforcement Alliance of America, and San Francisco Veteran Police Officers Association in litigation against the City and County of San Francisco, for $380,000.00; the lawsuit was filed on December 29, 2005 in San Francisco Superior Court, Case No. CPF-050505960; entitled Fiscal, et al., v. City and County of San Francisco, et al. (City Attorney)

10/10/08, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

ADJOURNMENT

There being no further business the Board adjourned at the hour of 6:13 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, October 28, 2008 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Maufas, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Ammiano, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty, Ammiano	1st and 3rd Thursday 10:00 AM

DOCUMENTS DEPT.

OCT 30 2008

SAN FRANCISCO
PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll Supervisors were noted present.

There was a quorum present.

ROLL CALL AND PLEDGE OF ALLEGIANCE

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

081160 **[Appropriating $86,367,000 of Bond revenue and adopting environmental findings for Crystal Springs Bypass Tunnel at the Public Utilities Commission for Fiscal Year 2008-2009]**
Supervisor McGoldrick

Ordinance appropriating $86,367,000 of Proceeds from Sale of Bonds for the Water System Improvement Program's (WSIP) construction of the Crystal Springs Bypass Tunnel Project at the San Francisco Public Utilities Commission for Fiscal Year 2008-2009, placing the entire appropriation on Controller's reserve pending the proceeds of indebtedness, and adopting environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Mayor)

(Fiscal Impact.)

FINALLY PASSED

081226 **[Accept-Expend Metropolitan Transportation Commission Grant and Amendment to the Annual Salary Ordinance, FY 2008-2009]**
Supervisor Alioto-Pier

Ordinance authorizing the Department of the Environment to accept and expend a grant up to the amount of $210,000 over the next three fiscal years from the Metropolitan Transportation Commission to provide Transportation Demand Management services to employers on behalf of the 511 Regional Rideshare Program, with the City providing 11.47% of the project costs, and amending Annual Salary Ordinance Number 141-08 to reflect the addition of one (1) grant funded position at the Department of the Environment.

FINALLY PASSED

081197 **[Transfer of Real Property - 575 Polk Street]**
Mayor

Ordinance authorizing the transfer of responsibilities for the court facilities at 575 Polk Street and the agreement to make ongoing payments of fixed court facility payments equal to $323,132.00 per year, adjusted by an inflation index, to the State of California pursuant to such transfer.

FINALLY PASSED

081198 **[Transfer of Real Property - 400 McAllister Street]**
Mayor

Ordinance authorizing the transfer of responsibilities and the future transfer of fee interest in the court facility located at 400 McAllister Street and the agreement to make ongoing payments of fixed court facility payments equal to $955,022.00 per year, adjusted by an inflation index, to the State of California pursuant to such transfer.

FINALLY PASSED

Recommendation of the Government Audit and Oversight Committee

081216 **[Reward for Information about underpayment of property tax]**
Supervisor McGoldrick

Ordinance approving Assessor's recommended reward for information that led to detection of underpayment of property tax from unreported change of ownership.

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

080883 **[Zoning Map - Creating the New Mission-Harrington Special Use District]**
Supervisor Sandoval

Ordinance amending the San Francisco Planning Code by adding new Section 780.3, creating the Mission-Harrington Special Use District, located at 4550 Mission Street at the intersection with Harrington Street; amending the Table at Section 712, to refer to this new Special Use District; amending the Zoning Maps Special Use District Map SU11, Zoning Map ZN11 and Height and Bulk Map HT11 of the Zoning Map of the City and County of San Francisco, to refer to this new Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED

081161 **[Mission Bay North-Acceptance of Land and Improvements for Block N2]**

Ordinance accepting the Mission Bay Block N2 Public Improvements on Third, Fourth, Berry, and King Streets; approving the dedication of the strips of land along the west side of Third Street, East Side of Fourth Street, North side of Berry Street and South Side of King Street for right-of-way purposes; designating street grades and sidewalk widths; accepting the irrevocable offer for the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 177,778; and authorizing official acts in connection with this ordinance. (Public Works Department)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

081085 **[Public Employment - Office of the Public Defender]**
Supervisor McGoldrick

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance FY 2008-2009) to reflect the addition of two positions (2.0 FTE) Class 8177 Attorneys (Civil/Criminal) in the Office of the Public Defender (PDR).

(Supervisor Elsbernd dissented in committee.)
(Fiscal Impact.)

FINALLY PASSED by the following vote:

Ayes: 7 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 4 - Alioto-Pier, Chu, Elsbernd, Peskin

Recommendation of the Government Audit and Oversight Committee

080954 **[Planning Code-Amending Article 11 Designation of 690 Market Street]**
Supervisor Peskin

Ordinance amending the designation of 690 Market Street from "Unrated—Category V" to "Significant—Category II" under Planning Code Article 11; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Land Use Committee Without Recommendation

080436 [Authorizing the passthrough from landlord to residential tenant of fifty percent of water and sewer services cost increases imposed through adoption of water and sewer rates after July 1, 2002, to provide incentives for the conservation of water]

Supervisors Alioto-Pier, Chu, Elsbernd

Ordinance amending the San Francisco Administrative Code to encourage water conservation by authorizing landlords to pass through to tenants fifty percent of increased water and sewer bill charges resulting from the adoption of water and sewer rates after July 1, 2002, where specified water conservation devices have been installed in all rental units and common areas of a building and no plumbing leaks exist in the building; and providing for passthrough administration, noticing and enforcement procedures.

Continued to November 18, 2008

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Noes: 5 - Ammiano, Daly, McGoldrick, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Budget and Finance Committee

081217 [Approval of three contracts for the Department of Public Health]

Resolution retroactively authorizing the San Francisco Department of Public Health to enter into three contracts providing mental health services for clients in long term care in locked facilities, for pharmacy management services and for fiscal intermediary services related to the San Francisco Mental Health Plan's for Private Provider Network, residential care facilities, and for mental health wraparound services, for the term of October 1, 2008 through June 30, 2013. (Public Health Department)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081264 [Agreement to Purchase Property in Tuolumne County - $70,000]

Resolution approving and authorizing an agreement for the purchase of approximately 5.61 acres of unimproved land near Moccasin in Tuolumne County, for the protection of water quality for a purchase price of $70,000; adopting findings that the conveyance is exempt from Environmental Review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the City Operations and Neighborhood Services Committee

081193 [Prohibiting sale of tobacco products on property owned by or under the control of the City and County of San Francisco]
Supervisor McGoldrick

Ordinance amending the San Francisco Health Code by adding Article 19K, Sections 1010 through 1010.4, to prohibit sales of tobacco products on property owned by or under the control of the City and County of San Francisco.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081184 [Urging the State of California to amend the Vehicle Code regarding disabled parking placards]
Supervisor Alioto-Pier

Resolution urging the State of California to amend the Vehicle Code to raise fines for counterfeit or misuse of disabled parking placards, strengthen criteria for disabled parking placards eligibility, and requiring photo identification of disabled placard user on placard.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Land Use and Economic Development Committee

080349 [Zoning Map Amendment - 5050 Mission Street, corner of Seneca Ave]
Supervisor Sandoval

Ordinance amending the San Francisco Planning Code by amending Zoning Map ZN 12 of the Zoning Map of the City and County of San Francisco to change the use classification of Block 6969, Lot 11, located at the southwest corner of Mission and Seneca Streets, from RH-1 (Residential, House, One Family) District to NC-3 (Moderate-scale Neighborhood Commercial) District; adopting findings, including environmental findings and findings of consistency the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080840 [Designating and describing amended Treasure Island/Yerba Buena Island Survey Area]
Resolution designating and describing the amended Treasure Island/Yerba Buena Island Survey Area in accordance with California Community Redevelopment Law. (Treasure Island Development Authority)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081004 [Interim Controls On Major Rights of Way along and near the Southern 19th Avenue Corridor]
Supervisor Elsbernd

Resolution adopting more restrictive interim controls for a period of eighteen months that would require conditional use authorization for new residential developments over 20 units or for new commercial or retail developments over 50,000 square feet on both sides of the following rights of way along and near the Southern 19th Avenue Corridor: commencing at Lake Merced Boulevard where it begins at the County line, north along Lake Merced Boulevard to Sloat Boulevard, east along Sloat Boulevard to 19th Avenue, north along 19th Avenue to Taraval Street, east on Taraval Street to Claremont, south on Claremont to Portola, southwest on Portola to Junipero Serra Boulevard, and south on Junipero Serra Boulevard to the County line; adopting environmental findings and a determination of consistency with the priority policies of Planning Code Section 101.1.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081005 [19th Avenue Cumulative Impact Study]
Supervisors Elsbernd, Chu

Resolution urging the Planning Department and Municipal Transportation Authority to conduct, and continually update, a comprehensive cumulative transportation impact study encompassing all the reasonably foreseeable developments along the 19th Avenue corridor from 19th Avenue and Vicente south to the county line, and expressing the Board of Supervisors' intent that individual environmental reviews of any projects along this corridor must incorporate this on-going and comprehensive cumulative impacts analysis to be considered adequate.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081281 [Application to Amend San Francisco's Priority Development Area Designation]
Supervisors Elsbernd, Chu

Resolution authorizing the San Francisco County Transportation Authority to apply on behalf of the City and County of San Francisco for amendments to the Priority Development Area Designation by the Association of Bay Area Governments.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081118 [Administrative Code - Community Preservation and Blight Reduction Act]
Supervisor Sandoval

Ordinance amending the San Francisco Administrative Code by adding Chapter 80, Sections 80.1 through 80.10, to establish a uniform procedure for enforcement of blight-related provisions of existing municipal code sections and to provide for: additional definition of blight conditions subject to enforcement, administrative penalties for failure to abate blight, summary abatement for certain blighted conditions, an administrative process for contesting the Director's declaration of blight, and civil penalties and injunctive remedies for continuing violations; and making environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Ammiano was noted absent at 2:25 p.m.

081191 [Opposing renewal of wastewater discharge permit for Potrero Power Plant Unit 3]
Supervisors Maxwell, Dufty, Peskin, Daly

Resolution establishing City policy opposing renewal of the wastewater discharge permit for Mirant's Potrero Power Plant Unit 3 and urging the San Francisco Bay Regional Water Quality Control Board to decline to issue a permit extension.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

SPECIAL ORDER 4:00 P.M.

070967 [Public Hearing - Appeal of Minor Sidewalk Encroachment for 1166 Haight Street]
Hearing of persons interested in or objecting to the decision of the Department of Public Works, by its letter dated June 13, 2007, approving a request of Minor Sidewalk Encroachment Permit to construct a warped driveway ramp and two (2) planter boxes to encroach 3'-0" into the public sidewalk right-of-way (25% of the sidewalk width as allowed by Article 15, Section 723.2 of the Public Works Code) fronting the property at 1166 Haight Street to provide access to a proposed garage below grade. (Appellant: Raquel Fox.)

(Filed June 28, 2007; companion measure to Files 070968, 070969; District 5.)

The President informed the Board members that the property owner had withdrawn the permit application for a sidewalk encroachment.
File Nos. 070967, 070968, 070969 were removed from the Board agenda.
FILED.

COMMITTEE REPORTS

081338 **[Declaration of Intention to form the Tourism Improvement District]**
Mayor, Supervisors Peskin, Maxwell

Resolution (1) declaring the intention of the Board of Supervisors to establish a business-based business improvement district to be known as the "Tourism Improvement District" and levy a multi-year assessment on identified hotel businesses in the district, (2) approving the management district plan for the district, (3) ordering and setting a time and place for a public meeting and a public hearing thereon, (4) approving the form of the Notice of Public Meeting and Public Hearing and Assessment Ballots, and (5) directing the Clerk of the Board of Supervisors to give notice of the public meeting and public hearing as required by law.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

081010 **[Building - Ban on Wooden Fixed Utility Ladder]**
Supervisor McGoldrick

Ordinance amending the San Francisco Housing Code to add Section 605 prohibiting wooden fixed utility ladders in R-1, R-2, and R-3 Occupancies, and making findings under the California Environmental Quality Act.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

080281 **[Building Code - Slope Protection Act]**
Supervisor Peskin

Ordinance amending the San Francisco Building Code by adding Sections 106A.4.1.4 et seq. to establish the Slope Protection Act and create procedures to review and make recommendations on specified permit applications for all property that fall within certain mapped areas of the City, and to require mandatory denial of the permit by the Building Official under specified circumstances; amending Section 105A.6.2 to specify the composition of the Structural Advisory Committee for permit applications within the Slope Protection Act area when the Building Official authorizes establishment of such a Committee; amending Building Code Section 106A.3.2 to require that the applicant for certain permit applications subject to the Slope Protection Act provide substantial documentation that there exists sufficient infrastructure to support the proposed residential development and that the proposed emergency access routes meet standards in effect at the time of the application; amending Building Code Section 1701A.5 to require special inspections throughout the construction process for sites subject to the Slope Protection Act.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

081309 [Appointment, Taxi Commission - Arthur Tom]

Motion approving the Mayor's appointment of Arthur Tom to the Taxi Commission, for the term ending June 28, 2012.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date – October 8, 2008.)

Supervisor Chu, seconded by Supervisor Dufty, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Absent: 1 - Ammiano

081310 [Appointment, Taxi Commission - Arthur Tom]

Motion rejecting the Mayor's appointment of Arthur Tom to the Taxi Commission for the term ending June 28, 2012.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date – October 8, 2008.)

Supervisor Chu, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Absent: 1 - Ammiano

081311 [Appointment, Taxi Commission - Arthur Tom]

Motion taking no position concerning the Mayor's appointment of Arthur Tom to the Taxi Commission, for the term ending June 28, 2012.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date – October 8, 2008.)

Supervisor Chu, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Absent: 1 - Ammiano

080935 [Urging SFUSD to reconsider current school assignment system]
Supervisors Chu, Alioto-Pier

Resolution urging the San Francisco Unified School District (SFUSD) to reconsider the current school assignment system for K-12 admissions and place greater emphasis on geographic considerations for school assignments.

(Supervisor McGoldrick dissenting in Committee.)

NOT ADOPTED by the following vote:
Ayes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Sandoval
Noes: 5 - Daly, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Ammiano

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Supervisor McGoldrick was noted absent at 2:50 p.m.
Abdullah Megaheed; expressed concern with issues relating to the President Bush
James Chaffee; expressed concern with issues relating to the SF Public Library
Richard McRee; expressed concern with issues relating to his name on the Board minutes and the timing for public comment and his patent design for Sigmund Stern Grove
Walter; shared in song certain memorablia with the Board members

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

081347 [Commending Doctors Without Borders for "A Refugee Camp in the Heart of the City"]
Supervisor Mirkarimi

Resolution commending Doctors Without Borders/Médecins Sans Frontières for producing the interactive exhibit "A Refugee Camp in the Heart of the City."

ADOPTED

081348 [Urging reducing exposure to Bisphenol A]
Supervisors Alioto-Pier, Dufty, Chu

Resolution calling upon San Francisco hospitals and retailers to help reduce infant exposure to Bisphenol A (BPA) by discontinuing the sale and distribution of baby bottles containing BPA.

ADOPTED

081350 [Hostelling International Day - October 26, 2008]
Supervisor Peskin

Resolution declaring October 26, 2008 as Hostelling International Day in San Francisco.

ADOPTED

081351 [Small Business Fee Survey and Freeze - Feasibility Study]
Supervisors Peskin, Maxwell, Chu

Resolution urging the Controller's Office, Mayor's Office and relevant City agencies to conduct a survey of all fees paid by small business and investigating the feasibility of freezing or reducing these fees for a one-year period to assist small businesses in responding to the current economic crisis.

Supervisor Chu requested to be added as a co-sponsor.
ADOPTED

081352 [Waiver permitting City employees to assist the Department of Elections with the November 4, 2008 election]
Supervisor Peskin

Motion granting a waiver from the prohibition imposed by Charter section 13.104.5, to permit City employees to assist the Department of Elections with the November 4, 2008 election.

APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 9 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 2 - Ammiano, McGoldrick

Severed from the Without Reference Committee Agenda

Supervisor Alioto-Pier requested that ths matter be severed so that it might be considered separately.

081349 [Commending the Blue Ribbon Panel and prioritizing California Pacific Medical Center's Long Range Development Plan]

Supervisor Alioto-Pier

Resolution commending the work of the Blue Ribbon Panel and urging all City Departments to prioritize the California Pacific Medical Center Long Range Development Plan ("LRDP").

Continued to November 4, 2008

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 2 - Ammiano, McGoldrick

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

081275 [Summary Vacation of Stevenson Street between 8th and 9th Streets]

Ordinance ordering the summary vacation of Stevenson Street between 8th and 9th Streets; adopting findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the vacation and sale are in conformity with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing official acts in furtherance of this Ordinance. (Real Estate Department)

10/20/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

081346 [Approving Contract for Security Services - $20,215,000]

Ordinance approving the contract between Guardsmark GP and the City and County of San Francisco to provide security services to the Human Services Agency for a one year term with four automatic extensions of one year each for a total cost not to exceed $20,215,000 and also providing that Guardsmark may terminate the contract at the end of any year by providing appropriate notice. (Human Services Department)

10/17/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081356 [Zoning Map Amendment - Assessor's Block 6753, Lot 063]

Ordinance amending the San Francisco Planning Code by amending Sheet 11 of the Zoning Map of the City and County of San Francisco to change the zoning of the entire area of Assessor's Lot No. 063 in Block 6753 from P (Public) to RH-2 (Residential, House Districts, Two-Family); adopting findings, including environmental findings and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b). (Planning Department)

9/30/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/28/2008.

PROPOSED RESOLUTIONS

081219 **[Gift - Private, Department of Public Health, Community Behavioral Health Services - $800,000]**

Resolution authorizing the Department of Public Health, Community Behavioral Health Services to retroactively accept a gift of Buprenorphine medication from Reckitt Benckiser Pharmaceuticals with a monetary value of up to $800,000 for the period of October 1, 2008 through September 30, 2009 for ongoing and new patients receiving Opiate Replacement Treatment in San Francisco. (Public Health Department)

10/17/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

081276 **[Real Property Lease Amendment and Sale - 875 Stevenson Street]**

Resolution approving a third amendment to the City's lease at 875 Stevenson Street and approving the sale of a portion of Stevenson Street between 9th and 10th Streets to 1355 Market Street Associates, L.P. following the vacation of such portion of Stevenson Street; and finding the sale and improvement of the Stevenson Street Property is consistent with the City's General Plan and with the Eight Priority Policies of City Planning Code Section 101.1, and is categorically exempt from environmental review under the California Environmental Quality Act. (Real Estate Department)

10/20/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 2:58 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, November 4, 2008 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Maufas, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Ammiano, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty, Ammiano	1st and 3rd Thursday 10:00 AM

DOCUMENTS DEPT.

NOV - 7 2008

SAN FRANCISCO
PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll Supervisor Maxwell was noted absent.

There was a quorum present.

Supervisor Maxwell was noted present at 2:04 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to approve the Board Meeting Minutes of September 23, 2008. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

COMMUNICATIONS

CONSENT AGENDA

Recommendation of the City Operations and Neighborhood Services Committee

081193 **[Prohibiting sale of tobacco products on property owned by or under the control of the City and County of San Francisco]**

Supervisor McGoldrick

Ordinance amending the San Francisco Health Code by adding Article 19K, Sections 1010 through 1010.4, to prohibit sales of tobacco products on property owned by or under the control of the City and County of San Francisco.

FINALLY PASSED

Recommendation of the Government Audit and Oversight Committee

080954 [Planning Code - Amending Article 11 Designation of 690 Market Street]
Supervisor Peskin

Ordinance amending the designation of 690 Market Street from "Unrated—Category V" to "Significant—Category II" under Planning Code Article 11; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings.

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

081010 [Building - Ban on Wooden Fixed Utility Ladder]
Supervisor McGoldrick

Ordinance amending the San Francisco Housing Code to add Section 605 prohibiting wooden fixed utility ladders in R-1, R-2, and R-3 Occupancies, and making findings under the California Environmental Quality Act.

FINALLY PASSED

080349 [Zoning Map Amendment - 5050 Mission Street, corner of Seneca Ave]
Supervisor Sandoval

Ordinance amending the San Francisco Planning Code by amending Zoning Map ZN 12 of the Zoning Map of the City and County of San Francisco to change the use classification of Block 6969, Lot 11, located at the southwest corner of Mission and Seneca Streets, from RH-1 (Residential, House, One Family) District to NC-3 (Moderate-scale Neighborhood Commercial) District; adopting findings, including environmental findings and findings of consistency the General Plan and the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED

081118 [Administrative Code - Community Preservation and Blight Reduction Act]
Supervisor Sandoval

Ordinance amending the San Francisco Administrative Code by adding Chapter 80, Sections 80.1 through 80.10, to establish a uniform procedure for enforcement of blight-related provisions of existing municipal code sections and to provide for: additional definition of blight conditions subject to enforcement, administrative penalties for failure to abate blight, summary abatement for certain blighted conditions, an administrative process for contesting the Director's declaration of blight, and civil penalties and injunctive remedies for continuing violations; and making environmental findings.

FINALLY PASSED

080281 [Building Code - Slope Protection Act]
Supervisor Peskin

Ordinance amending the San Francisco Building Code by adding Sections 106A.4.1.4 et seq. to establish the Slope Protection Act and create procedures to review and make recommendations on specified permit applications for all property that fall within certain mapped areas of the City, and to require mandatory denial of the permit by the Building Official under specified circumstances; amending Section 105A.6.2 to specify the composition of the Structural Advisory Committee for permit applications within the Slope Protection Act area when the Building Official authorizes establishment of such a Committee; amending Building Code Section 106A.3.2 to require that the applicant for certain permit applications subject to the Slope Protection Act provide substantial documentation that there exists sufficient infrastructure to support the proposed residential development and that the proposed emergency access routes meet standards in effect at the time of the application; amending Building Code Section 1701A.5 to require special inspections throughout the construction process for sites subject to the Slope Protection Act.

FINALLY PASSED

Recommendations of the Public Safety Committee

081072 [Authorizing the Sheriff to execute contracts with the State and accept and expend funds associated with a Secure Reentry Program Facility]
Supervisors Mirkarimi, Dufty

Resolution authorizing the Sheriff's Department to execute contracts with the California Department of Corrections and Rehabilitation (CDCR) and accept and expend funds associated with the contracts. The purpose of the contract is to establish a pilot San Francisco County Secure Reentry Program Facility (SRPF) that will provide up to 12 months of intensive, in-custody evidence based reentry programming which will address the offender's underlying employment, mental health and substance abuse issues. This will be followed by 12 months of accountability based out-of-custody reentry programming. (Sheriff)

ADOPTED

081271 [Accept - Expend Federal grant, Port - $1,522,536]
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Port Commission to accept and expend a grant in the amount of $1,522,536 from the Department of Homeland Security, Infrastructure Protection Program for security enhancements at the Port of San Francisco.

ADOPTED

081326 [Airport grant - Accept-Expend State grant - $139,462.72]
Supervisor Alioto-Pier

Resolution authorizing the Airport Commission to retroactively accept and expend funding totaling $139,462.72 from the State of California 9-1-1 Emergency Communications Office for the San Francisco International Airport (SFO) Communications 9-1-1 Phone Upgrade project.

ADOPTED

Recommendations of the Rules Committee

081068 **[Settlement of City's Lawsuit Against Defendant EnCana Corp - $265,695.80]**

Ordinance authorizing partial settlement of the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023), filed by the City and County of San Francisco on June 8, 2004, and coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides approximately $265,695.80 to the City from defendant EnCana Corp. (City Attorney)

PASSED ON FIRST READING

081165 **[Settlement of Lawsuit - Twylah Sperka - $49,000]**

Ordinance authorizing settlement of the lawsuit filed by Twylah Sperka against the City and County of San Francisco for $49,000; the lawsuit was filed on February 26, 2007 in San Francisco Superior Court, Case No. 460-772; entitled Twylah Sperka v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING

081166 **[Settlement of Lawsuit - J. Hadley Louden - $35,000]**

Ordinance authorizing settlement of the lawsuit filed by J. Hadley Louden against the City and County of San Francisco for $35,000; the lawsuit was filed on June 5, 2006 in San Francisco Superior Court, Case No. 06-452880, entitled J. Hadley Louden v. Sgt. Sorgie et al., and removed to the United States District Court, Northern District of California, Case No. 06-04762 MHP, on August 7, 2006. (City Attorney)

PASSED ON FIRST READING

081205 **[Settlement of Lawsuit, Gladys DeWitt - $50,000]**

Ordinance authorizing settlement of the lawsuit filed by Gladys DeWitt against the City and County of San Francisco for $50,000; the lawsuit was filed on January 19, 2007 in San Francisco Superior Court, Case No. 459735, and removed, on July 27, 2007, to United States District Court for the Northern District of California, Case No. C-07-03791 PJH, entitled DeWitt v. City and County of San Francisco, et al.

PASSED, ON FIRST READING

081259 **[Settlement of Lawsuit - Karen Douma - $1,695,100.00]**

Ordinance authorizing settlement of the lawsuit filed by Karen Douma, individually, Karen Douma, as Personal Representative of the Estate Of David Douma, deceased, Jason Douma, individually, Pamela Fay, individually, and David Douma, Jr., individually against SF American Taxicab, Inc., Autos For Hire Rpg, Inc., Alem Belai, City And County Of San Francisco, Regents of The University of California, DOES 1 to 100, jointly and severally for $1,695,100.00; the lawsuit was filed on August 10, 2007 in San Francisco Superior Court, Case No. CGC-07-466068; entitled Karen Douma, et al., v. SF American Taxicab, Inc., et al. (City Attorney)

PASSED ON FIRST READING

081260 **[Settlement of Lawsuit - James R. Figueroa - $65,000]**

Ordinance authorizing settlement of James R. Figueroa's claims in the lawsuit filed by James R. Figueroa against the City and County of San Francisco for $65,000; the lawsuit was filed on September 26, 2007, in the San Francisco Superior Court, Case No. 467599, entitled James Figueroa v. City and County of San Francisco dba Department of Public Works. (City Attorney)

PASSED ON FIRST READING

081261 **[Settlement of Lawsuit - Husam Sajjan - $100,000.00]**

Ordinance authorizing settlement of the lawsuit filed by Husam Sajjan against the City and County of San Francisco for $100,000.00; the lawsuit was filed on December 12, 2006 in the San Francisco Superior Court, Case No. 458649; entitled Husam Sajjan v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING

081262 **[Settlement of Lawsuit - Estate of Nicholas Torrico, et al. - $150,000.00]**

Ordinance authorizing settlement of the lawsuit filed by the Estate of Nicholas Torrico, et al. against the City and County of San Francisco for $150,000.00; the lawsuit was filed on July 13, 2007 in United States District Court, Case No. C07-3624 JCS; entitled Estate of Nicholas Torrico, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED ON FIRST READING

081263 **[Approval of Settlement Agreement before the Federal Energy Regulatory Commission]**

Ordinance approving a settlement agreement related to the electricity crisis of 2000-2001 in proceedings before the Federal Energy Regulatory Commission and accepting distribution of settlement funds collected by FERC. (City Attorney)

PASSED ON FIRST READING

081169 **[Appointment, Graffiti Advisory Board, Jana Lord]**

Motion appointing Jana Lord, term ending April 10, 2009, to the Graffiti Advisory Board, residency requirement waived.

Jana Lord, succeeding Alexander Mamak, resigned, seat 17, must represent contracting agency for Municipal Railway shelters, for unexpired portion of a two-year term ending April 10, 2009.

APPROVED

081274 **[Appointment, Peak Oil Preparedness Task Force, Benjamin Lowe]**

Motion appointing Benjamin Lowe, term ending March 27, 2009, to the Peak Oil Preparedness Task Force.

Benjamin Lowe, succeeding Jan Lundberg, seat 4, resigned, must represent the public-at-large, for unexpired portion of two-year term ending March 27, 2009.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Government Audit and Oversight Committee

Supervisor Maxwell was noted present at 2:04 p.m.

081228 [Appropriating $498,304 General Fund Reserve for Mission District violence prevention and reduction grants in the Department of Children, Youth and Their Families for Fiscal Year 2008-2009]
Supervisor Ammiano

Ordinance appropriating $498,304 from the General Fund Reserve for high risk youth violence prevention and reduction grants focusing on intensive case management, outreach and programming in the Mission District in the Department of Children, Youth and Their Families for Fiscal Year 2008-2009.

(Fiscal Impact.)

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Ordinance be TABLED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

From the City Operations and Neighborhood Services Committee Without Recommendation

080658 [General advertising on City buildings and street furniture]
Supervisor McGoldrick

Ordinance amending the San Francisco Administrative Code by adding Section 4.20-1 to prohibit any new general advertising signs on street furniture over the number authorized as of January 1, 2008 and to prohibit new general advertising signs visible to the public on the exterior of City-owned buildings as of March 5, 2002; adopting environmental and other findings.

(9/16/08 - Supervisor McGoldrick submitted a substitute ordinance bearing new title.)

PASSED ON FIRST READING by the following vote:
Ayes: 6 - Ammiano, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 5 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd

Supervisor McGoldrick, seconded by Supervisor Sandoval, moved to rescind the previous vote and continue this matter to November 18, 2008.
Motion passed without objection.

Continued to November 18, 2008
Supervisor McGoldrick, seconded by Supervisor Sandoval, moved that this Ordinance be CONTINUED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Government Audit and Oversight Committee

081231 [Local Business Enterprise and Non-Discrimination in Contracting Ordinance]
Supervisor Maxwell

Ordinance amending the San Francisco Administrative Code by amending Section 14B.8 to direct the Human Rights Commission to assign numeric point values to the good faith outreach steps that bidders must undertake for all public work/construction, architect/engineering, professional service and general service contracts that exceed the minimum competitive amount or threshold amount.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081289 [Public Employment - Port of San Francisco (PRT)]
Mayor

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance FY 2008-2009) to reflect the addition of one position (0.50 FTE) Class 5502, Project Manager 1 at the Port of San Francisco (PRT).

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080942 [Approval of contract pursuant to settlement; Waiver of competitive bidding - $56,500,000]

Ordinance waiving competitive bid requirements and approving the award of an Operations and Maintenance Contract ("O&M") with Bombardier Transportation (Holdings) USA, Inc. (Bombardier) to operate and maintain the San Francisco International Airport's AirTrain system for five years in the amount of $56,500,000. (Airport Commission)

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081287 [Airport Refunding Bonds - $2,540,000,000]
Supervisor Peskin

Resolution approving the issuance of up to $2,540,000,000 aggregate principal amount of San Francisco International Airport Second Series Revenue Refunding Bonds for the purpose of refinancing bonds and subordinate bonds of the Airport Commission; and approving certain related matters.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080941 [Settlement of Lawsuit - CCSF, et al., v. Factory Mutual Insurance Company, et al. - $2,750,000]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Factory Mutual Insurance Company and Bombardier Transportation, Inc. for $2,750,000 and other consideration; the lawsuit was filed on December 15, 2004, in The United States District Court, Northern District of California, Case No. C 04-5307 FMS; entitled City and County of San Francisco, et al., v. Factory Mutual Insurance Company, et al. (Airport Commission)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081265 [Approval of the Substance Abuse and Crime Prevention Act of 2000 and the Substance Abuse Offender Treatment Program Implementation Plan]

Resolution authorizing adoption of the San Francisco County Plan for the Substance Abuse and Crime Prevention Act of 2000 and the Substance Abuse Offender Treatment Program for Fiscal Year 2008-2009. (Public Health Department)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Land Use and Economic Development Committee

081058 [Planning - Conditional Use Requirement for Power Plants in M-1 and M-2 Zoning Districts]

Supervisors Maxwell, Peskin

Ordinance amending Planning Code Section 226 to require that power plants in M-1 and M-2 zoning districts obtain conditional use authorization, adding Section 226.1 requiring additional findings; amending the Administrative Code to add Chapter 29A to require the Board of Supervisors consider the criteria of Planning Code Section 226.1(c) prior to taking City power plant approval actions; making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Ordinance be RE-REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081234 [Zoning - Prohibiting Formula Retail Uses in the Chinatown Visitor Retail District and establishing a conditional use permit requirement for formula retail uses]

Supervisor Peskin

Ordinance amending the Planning Code by amending Section 803.6 to prohibit formula retail uses in the Chinatown Visitor Retail District, and to create a conditional use requirement for formula retail uses in the Chinatown Community Business District and the Chinatown Residential Neighborhood Commercial District; amending Section 803.2 to refer to this prohibition and conditional use requirement, and adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

(9/19/08 - Economic Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Land Use Committee With Recommendation "Do Not Pass"

081015 [Mirant Potrero Power Plant retrofit]
Mayor

Resolution authorizing and directing the negotiation and execution of a memorandum of agreement relating to the retrofit of Potrero Power Plant Units 4, 5 and 6, the closure of all Potrero Power Plant generating units if and when such units are no longer needed for electric system reliability, and the reuse of the Potrero power Plant site upon such closure.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Resolution be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Land Use Committee Without Recommendation

061438 [Public Works Code - Sidewalk flower-vending stands]
Supervisor McGoldrick

Ordinance amending Public Works Code Sections 156, 157, 159, 160, 161, 162, and 163 to clarify application requirements, to add operating conditions for such stands and establish an abandonment period, to establish an annual public right-of-way occupancy fee, to delete provisions regarding permit assignment to family members of the permittee, to change the criminal penalty for violations from a misdemeanor to an infraction, and to establish administrative penalties for violations; and adding Section 165 concerning the establishment of new sidewalk flower-vending stand locations, including permit application fees.

NOT PASSED ON FIRST READING by the following vote:

Ayes: 5 - Ammiano, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 6 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Peskin

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved to rescind the previous vote and continue this matter to November 18, 2008.
Motion to rescind the previous vote passed without objection.

Continued to November 18, 2008

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Rules Committee

081119 [Noise Control Ordinance]
Supervisor Ammiano

Ordinance amending the San Francisco Police Code by amending Sections 49, 2900, 2901, 2902, 2904, 2907, 2908, 2909, 2910, 2912, 2916, 2917, and 2918, repealing Sections 2903, 2906, 2911, 2913, 2914, 2915, and 2918, and adding new Sections 2912, 2920, 2922, 2924, and 2926, to revise the City's noise control regulations, add administrative penalties, and create a noise task force.

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Chu, Elsbernd

081190 [Elections for the Retiree Health Trust Fund Board, San Francisco Employee Retirement System Board and Health Service System Board]
Supervisor Elsbernd

Ordinance amending the San Francisco Administrative Code by amending Sections 16.550-16.561 and 16.563-16.564, and adding Sections 16.553-1, 16.553-2 and 16.565, and amending San Francisco Campaign and Governmental Conduct Code by adding Section 3.1-268, to provide for Retiree Health Trust Fund Board elections and making minor revisions to existing San Francisco Retirement System and Health Service System election procedures.

Continued to November 18, 2008

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved that this Ordinance be CONTINUED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081227 [Voting Systems Task Force]
Supervisor Ammiano

Ordinance amending the Administrative Code by adding Sections 5.400-410 to establish a Voting Systems Task Force comprised of individuals with backgrounds in good government, computer science or the computer industry, election administration, and accommodations of persons with disabilities, to make recommendations to the Board of Supervisors about voting system standards, design and development.

PASSED ON FIRST READING by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Chu, Elsbernd

081285 [Lobbyist Ordinance amendments to regulate permit lobbying]
Supervisors Peskin, Daly

Ordinance amending Chapter 1 of Article II of the Campaign and Governmental Conduct Code by amending section 2.105 to require registration and disclosure under the Lobbyist Ordinance by persons who lobby the Zoning Administrator, the City Engineer, the County Surveyor, the Bureau Chief of the Department of Public Works' Bureau of Street Use and Mapping, elected officials, or the Director, Assistant Director or Deputy Director of the Planning Department, Department of Building Inspection or Department of Public Works regarding permits, parcel maps or subdivision tract maps.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Dufty

081317 [Authorizing Settlement of Attorney's Fees and Costs Claim Following Lawsuit - $380,000]

Ordinance authorizing settlement of the claim for attorney's fees and costs incurred by Paula Fiscal, Larry Barsetti, Rebecca Kidder, Dana Drenkoski, John Candido, Alan Byard, Andrew Sirkis, National Rifle Association, Second Amendment Foundation, California Association of Firearm Retailers, Law Enforcement Alliance of America, and San Francisco Veteran Police Officers Association in litigation against the City and County of San Francisco, for $380,000.00; the lawsuit was filed on December 29, 2005 in San Francisco Superior Court, Case No. CPF-050505960; entitled Fiscal, et al., v. City and County of San Francisco, et al. (City Attorney)

(Supervisor Daly dissented in committee.)

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 3 - Ammiano, Daly, Mirkarimi

081257 [Confirming the re-appointment of Francee Covington to the San Francisco Redevelopment Agency]
Mayor

Motion confirming the re-appointment of Francee Covington to the San Francisco Redevelopment Agency for a four-year term ending September 3, 2012.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:00 P.M.

081123 [Hearing - Ordering vacation of the Ingleside Path]
Supervisor Elsbernd

Hearing of persons interested in or objecting to proposed ordinance ordering the vacation of the Ingleside Path right-of-way between Ocean Avenue and Corona Street and Urbano and Head Streets subject to reservations of certain utility easements in the vacated area; authorizing the quit claim of the City's interest in the vacated right-of-way pursuant to the terms of the conveyancing documents; declaring such paths abandoned; adopting environmental findings and findings that such actions are consistent with the City's General Plan and the priority policies of Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance.

The President inquired as to whether any member wished to address the Board members.
There were none.
The President declared the public hearing closed.

FILED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Land Use Committee Without Recommendation

081120 [Ordering vacation of the Ingleside Path]
Supervisor Elsbernd

Ordinance ordering the vacation of the Ingleside Path right-of-way between Ocean Avenue and Corona Street and Urbano and Head Streets subject to reservations of certain utility easements in the vacated area; authorizing the quit claim of the City's interest in the vacated right-of-way pursuant to the terms of the conveyancing documents; declaring such paths abandoned; adopting environmental findings and findings that such actions are consistent with the City's General Plan and the priority policies of Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved to suspend Board Rule No. 4.29 that the Recognition of Commendations be heard at 3:30 p.m.
Motion to suspend Board Rule 4.29 passed without objection.

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Alioto-Pier welcomed, introduced and presented a Certificate of Honor to Former Board President Angela Alioto and to the members of the Knights of St. Francis in recognition of their work on the Shrine for St. Francis of Assisi.

COMMITTEE REPORTS

081376 [Municipal Identification Cards]
Supervisor Ammiano

Ordinance amending Section 95.2 of the Administrative Code to revise the documentation requirements for proof of identity and proof of residency for municipal identification card applicants.

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Ammiano, Chu, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Alioto-Pier, Elsbernd

081377 **[Suspending Sections 468.3 through 468.8 of the Menu Labeling Ordinance]**
Supervisor Ammiano

Ordinance amending the San Francisco Health Code by adding Section 468.9, to suspend Sections 468.3 through 468.8 of the Menu Labeling Ordinance.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080953 **[Approval of an historical property contract for 690 Market Street ("Chronicle Building")]**
Supervisor Peskin

Resolution under Chapter 71 of the San Francisco Administrative Code, approving an historical property contract between RC Chronicle Building LP and 690 Market Master Association, the owners of 690 Market Street ("Chronicle Building"), and the City and County of San Francisco; authorizing the Director of Planning and the Assessor to execute the historical property contract.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081290 **[Disposition and Development Agreement for the Old Mint]**
Mayor

Resolution approving and authorizing an amendment to the Old Mint Disposition and Development Agreement between the City and County of San Francisco and the San Francisco Museum and Historical Society to extend the dates for performance.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed concern with issues relating to President George Bush
James Chaffee; expressed concern with issues relating to the SF Public Library
Walter; expressed, in song, .concern with general issues
Richard McRee; expressed concern with issues relating to time for public comment and his design and patent for Sigmund Stern Grove
John di Donna; expressed his concern with issues relating to human rights
Dr. Porter; expressed concern with issues relating to environment in the Bayview Hunters Point area

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

081385 **[Authorizing the Director of Public Works or his or her designee to request Cooperative Work Agreements from the California Department of Finance to extend the expiration dates for Federal transportation grants expiring on June 30, 2009]**
Mayor

Resolution authorizing the Director of Public Works or his or her designee to request Cooperative Work Agreements from the California Department of Finance to extend the expiration dates for Federal transportation grants expiring on June 30, 2009.

ADOPTED

081386 **[Accept and Expend Gift - Excelsior Youth Center - $50,000]**
Supervisor McGoldrick

Resolution authorizing the Mayor, on behalf of the City and County of San Francisco, to accept and expend a gift from Macy's West, Inc. in the amount of $50,000 for operations and programming at the Youth Center in the Excelsior District.

ADOPTED

081312 **[Final Map - 631 Folsom Street]**

Motion approving Final Map 4220, a 114 Residential and 2 Commercial Unit Mixed-Use Condominium Project, located at 631 Folsom Street being a subdivision of Lot 090 in Assessors Block No. 3750 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,814; District 6.)

APPROVED

081314 **[Final Map - 231 Franklin Street, 327 & 315 Hayes Street]**

Motion approving Final Map 4457, a 32 Residential and 1 Commercial Unit Mixed-Use Condominium Project, located at 231 Franklin Street, 327 & 315 Hayes Street being a subdivision of Lots 002, 017, and 022 in Assessors Block No. 0816 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,858; District 6.)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed From the Without Reference to Committee Agenda

Supervisor Alioto-Pier requested that this matter be severed so that it might be considered separately.

081349 **[Commending the Blue Ribbon Panel and prioritizing California Pacific Medical Center's Long Range Development Plan]**

Supervisor Alioto-Pier

Resolution commending the work of the Blue Ribbon Panel and urging all City Departments to prioritize the California Pacific Medical Center Long Range Development Plan ("LRDP").

Continued to November 18, 2008

Supervisor Alioto-Pier, seconded by Supervisor Ammiano, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Mirkarimi requested that this matter be severed so that it might be considered separately.

081387 [Market and Octavia Community Advisory Committee]
Supervisor Mirkarimi

Resolution establishing the Market and Octavia Community Advisory Committee according to Planning Code Section 341.5.

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Daly requested that this matter be severed so that it might be considered separately.

Supervisor Daly Excused From Voting

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved to excuse Supervisor Daly, at his request, because of possible conflict of interest, from voting.. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081313 [Final Map - 1360-1364 Stevenson Street]

Motion approving Final Map 4927, a 5 Unit Residential Condominium Project, located at 1360 – 1364 Stevenson Street being a subdivision of Lot 073 in Assessors Block No. 3513 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,853; District 6.)

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

081372 [Mission Bay North-Park Parcels NP3, NP4 and NP5 Improvements]

Ordinance designating a portion of State Trust Parcel 1, lying next to the Mission Creek Channel for public open space and park purposes; naming the new park "Mission Creek Park"; accepting the irrevocable offer for the acquisition facilities; designating said facilities as public open space and for park purposes and accepting for maintenance responsibilities and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 177,882; and authorizing official acts in connection with this Ordinance. (Public Works Department)

10/27/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

081359 **[Amending the agreement between the CCSF and Golden Gate Petroleum for backup supplies of gasoline and diesel fuel to $20 million]**

Resolution approving the First Amendment to the Agreement between the City and Golden Gate Petroleum as a backup supplier of gasoline and diesel fuel, increasing the contract's dollar amount to $20 million, pursuant to Charter Section 9.118(b). (Office of Contract Administration)

10/21/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081360 **[Lease of Real Property at 3801 Third Street, Suite 400]**

Resolution authorizing the Lease at 3801 Third Street, Suite 400, for the Department of Public Health commencing retroactively on July 1, 2008. (Real Estate Department)

081361 **[Raising the contract's not-to-exceed amount, between the CCSF and Firestone-Bridgestone for rental bus tires, to an amount not the exceed 11.26 million]**

Resolution approving the Fourth Amendment to the Agreement between the City and County of San Francisco (City) and Firestone-Bridgestone (Contractor) for rental of bus tires, increasing the contract's not-to-exceed amount to more than $10 million, pursuant to San Francisco Charter Section 9.118(b). (Office of Contract Administration)

10/23/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081362 **[Prevailing wages for workers on public works/improvement projects, workers doing janitorial services, workers in public off-street parking lots, garages, or auto storage facilities, workers in theatrical services; and workers performing moving services]**

Resolution fixing prevailing wage rates for (1) workers performing work under City contracts for public work and improvement; (2) workers performing work under City contracts for janitorial services; (3) workers performing work in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City; (4) workers engaged in theatrical or technical services for shows on property owned by the City; (5) workers performing moving services under City contracts at facilities owned or leased by the City; and (6) workers engaged in the hauling of solid waste generated by the City in the course of City operations, pursuant to a contract with the City.

10/24/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

081363 **[Settlement of Unlitigated Tax-Related Matter with Internal Revenue Service]**

Resolution authorizing settlement of unlitigated tax-related matter with the Internal Revenue Service regarding potential tax liability. (City Attorney)

10/24/08, RECEIVED AND ASSIGNED to Rules Committee.

081370 **[Lease of Real Property - 1325A Evans Avenue]**

Resolution authorizing a new lease of approximately 3,287 rentable square feet of space at 1325A Evans Avenue for the San Francisco Public Utilities Commission. (Real Estate Department)

10/27/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081371 **[Amendment to Lease of Real Property at 3119 Mission Street]**

Resolution authorizing the Amendment to Lease at 3119 Mission Street for the Human Services Agency. (Real Estate Department)

10/27/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081373 **[Agreement for the Reimbursement for Interim Assistance Payments Pursuant to Section 1631(g) of the Social Security Act]**

Resolution authorizing the renewal of Resolution 791-89 between the City and County of San Francisco and the State of California Department of Social Services for the purpose of assuring the availability of reimbursement to the City and County by the Secretary of Health and Human Services for the interim assistance paid to Social Security Income Program (SSI)/ State Supplementary Payment (SSP) Applicants. (Human Services Department)

10/27/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 3:19 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, November 18, 2008 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Maufas, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Ammiano, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty, Ammiano	1st and 3rd Thursday 10:00 AM

DOCUMENTS DEPT.

NOV 2 1 2008

SAN FRANCISCO
PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll Supervisor Ammiano was noted absent.

There was a quorum present.

Supervisor Ammiano was noted present at 2:05 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved to approve the Board Meeting Minutes of October 7, 2008 and October 21, 2008. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

CONSENT AGENDA

Recommendations of the Government Audit and Oversight Committee

081231 [Local Business Enterprise and Non-Discrimination in Contracting Ordinance]
Supervisor Maxwell

Ordinance amending the San Francisco Administrative Code by amending Section 14B.8 to direct the Human Rights Commission to assign numeric point values to the good faith outreach steps that bidders must undertake for all public work/construction, architect/engineering, professional service and general service contracts that exceed the minimum competitive amount or threshold amount.

FINALLY PASSED

081289 [Public Employment - Port of San Francisco (PRT)]
Mayor

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance FY 2008-2009) to reflect the addition of one position (0.50 FTE) Class 5502, Project Manager 1 at the Port of San Francisco (PRT).

FINALLY PASSED

080942 **[Approval of contract pursuant to settlement; Waiver of competitive bidding - $56,500,000]**

Ordinance waiving competitive bid requirements and approving the award of an Operations and Maintenance Contract ("O&M") with Bombardier Transportation (Holdings) USA, Inc. (Bombardier) to operate and maintain the San Francisco International Airport's AirTrain system for five years in the amount of $56,500,000. (Airport Commission)

(Fiscal Impact.)

FINALLY PASSED

080941 **[Settlement of Lawsuit - CCSF, et al., v. Factory Mutual Insurance Company, et al. - $2,750,000]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Factory Mutual Insurance Company and Bombardier Transportation, Inc. for $2,750,000 and other consideration; the lawsuit was filed on December 15, 2004, in The United States District Court, Northern District of California, Case No. C 04-5307 FMS; entitled City and County of San Francisco, et al., v. Factory Mutual Insurance Company, et al. (Airport Commission)

FINALLY PASSED

081377 **[Suspending Sections 468.3 through 468.8 of the Menu Labeling Ordinance]**

Supervisor Ammiano

Ordinance amending the San Francisco Health Code by adding Section 468.9, to suspend Sections 468.3 through 468.8 of the Menu Labeling Ordinance.

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

081234 **[Zoning - Prohibiting Formula Retail Uses in the Chinatown Visitor Retail District and establishing a conditional use permit requirement for formula retail uses]**

Supervisor Peskin

Ordinance amending the Planning Code by amending Section 803.6 to prohibit formula retail uses in the Chinatown Visitor Retail District, and to create a conditional use requirement for formula retail uses in the Chinatown Community Business District and the Chinatown Residential Neighborhood Commercial District; amending Section 803.2 to refer to this prohibition and conditional use requirement, and adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

(9/19/08 - Economic Impact.)

FINALLY PASSED

Recommendations of the Rules Committee

081068 **[Settlement of City's Lawsuit Against Defendant EnCana Corp - $265,695.80]**

Ordinance authorizing partial settlement of the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023), filed by the City and County of San Francisco on June 8, 2004, and coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides approximately $265,695.80 to the City from defendant EnCana Corp. (City Attorney)

FINALLY PASSED

081165 **[Settlement of Lawsuit - Twylah Sperka - $49,000]**

Ordinance authorizing settlement of the lawsuit filed by Twylah Sperka against the City and County of San Francisco for $49,000; the lawsuit was filed on February 26, 2007 in San Francisco Superior Court, Case No. 460-772; entitled Twylah Sperka v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

081166 **[Settlement of Lawsuit - J. Hadley Louden - $35,000]**

Ordinance authorizing settlement of the lawsuit filed by J. Hadley Louden against the City and County of San Francisco for $35,000; the lawsuit was filed on June 5, 2006 in San Francisco Superior Court, Case No. 06-452880, entitled J. Hadley Louden v. Sgt. Sorgie et al., and removed to the United States District Court, Northern District of California, Case No. 06-04762 MHP, on August 7, 2006. (City Attorney)

FINALLY PASSED

081205 **[Settlement of Lawsuit, Gladys DeWitt - $50,000]**

Ordinance authorizing settlement of the lawsuit filed by Gladys DeWitt against the City and County of San Francisco for $50,000; the lawsuit was filed on January 19, 2007 in San Francisco Superior Court, Case No. 459735, and removed, on July 27, 2007, to United States District Court for the Northern District of California, Case No. C-07-03791 PJH, entitled DeWitt v. City and County of San Francisco, et al.

FINALLY PASSED

081259 **[Settlement of Lawsuit - Karen Douma - $1,695,100.00]**

Ordinance authorizing settlement of the lawsuit filed by Karen Douma, individually, Karen Douma, as Personal Representative of the Estate Of David Douma, deceased, Jason Douma, individually, Pamela Fay, individually, and David Douma, Jr., individually against SF American Taxicab, Inc., Autos For Hire Rpg, Inc., Alem Belai, City And County Of San Francisco, Regents of The University of California, DOES 1 to 100, jointly and severally for $1,695,100.00; the lawsuit was filed on August 10, 2007 in San Francisco Superior Court, Case No. CGC-07-466068; entitled Karen Douma, et al., v. SF American Taxicab, Inc., et al. (City Attorney)

FINALLY PASSED

081260 **[Settlement of Lawsuit - James R. Figueroa - $65,000]**

Ordinance authorizing settlement of James R. Figueroa's claims in the lawsuit filed by James R. Figueroa against the City and County of San Francisco for $65,000; the lawsuit was filed on September 26, 2007, in the San Francisco Superior Court, Case No. 467599, entitled James Figueroa v. City and County of San Francisco dba Department of Public Works. (City Attorney)

FINALLY PASSED

081261 **[Settlement of Lawsuit - Husam Sajjan - $100,000.00]**

Ordinance authorizing settlement of the lawsuit filed by Husam Sajjan against the City and County of San Francisco for $100,000.00; the lawsuit was filed on December 12, 2006 in the San Francisco Superior Court, Case No. 458649; entitled Husam Sajjan v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

081262 **[Settlement of Lawsuit - Estate of Nicholas Torrico, et al. - $150,000.00]**

Ordinance authorizing settlement of the lawsuit filed by the Estate of Nicholas Torrico, et al. against the City and County of San Francisco for $150,000.00; the lawsuit was filed on July 13, 2007 in United States District Court, Case No. C07-3624 JCS; entitled Estate of Nicholas Torrico, et al., v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

081263 **[Approval of Settlement Agreement before the Federal Energy Regulatory Commission]**

Ordinance approving a settlement agreement related to the electricity crisis of 2000-2001 in proceedings before the Federal Energy Regulatory Commission and accepting distribution of settlement funds collected by FERC. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

From the Budget and Finance Committee Without Recommendation

081086 **[Public Works Code - annual right-of-way occupancy assessment fee for driveways]**

Supervisor McGoldrick

Ordinance amending the Public Works Code by amending Section 716 to establish an annual public right-of-way occupancy assessment fee for the portion of an automobile runway (driveway) that requires modification to the public right-of-way; and making environmental findings.

Supervisor McGoldrick requested to be added as sponsor.

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Chu, Elsbernd

From the City Operations and Neighborhood Services Committee Without Recommendation

080658 [General advertising on City buildings and street furniture]
Supervisor McGoldrick

Ordinance amending the San Francisco Administrative Code by adding Section 4.20-1 to prohibit any new general advertising signs on street furniture over the number authorized as of January 1, 2008 and to prohibit new general advertising signs visible to the public on the exterior of City-owned buildings as of March 5, 2002; adopting environmental and other findings.

(9/16/08 - Supervisor McGoldrick submitted a substitute ordinance bearing new title.)

Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 1 - Peskin

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 7 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Recommendation of the Government Audit and Oversight Committee

081376 [Municipal Identification Cards]
Supervisor Ammiano

Ordinance amending Section 95.2 of the Administrative Code to revise the documentation requirements for proof of identity and proof of residency for municipal identification card applicants.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Land Use and Economic Development Committee Without Recommendation

061438 [Public Works Code - Sidewalk flower-vending stands]
Supervisor McGoldrick

Ordinance amending Public Works Code Sections 156, 157, 159, 160, 161, 162, and 163 to clarify application requirements, to add operating conditions for such stands and establish an abandonment period, to establish an annual public right-of-way occupancy fee, to delete provisions regarding permit assignment to family members of the permittee, to change the criminal penalty for violations from a misdemeanor to an infraction, and to establish administrative penalties for violations; and adding Section 165 concerning the establishment of new sidewalk flower-vending stand locations, including permit application fees.

Continued to November 25, 2008

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FIRST READING. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081120 [Ordering vacation of the Ingleside Path]
Supervisor Elsbernd

Ordinance ordering the vacation of the Ingleside Path right-of-way between Ocean Avenue and Corona Street and Urbano and Head Streets subject to reservations of certain utility easements in the vacated area; authorizing the quit claim of the City's interest in the vacated right-of-way pursuant to the terms of the conveyancing documents; declaring such paths abandoned; adopting environmental findings and findings that such actions are consistent with the City's General Plan and the priority policies of Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080436 [Authorizing the passthrough from landlord to residential tenant of fifty percent of water and sewer services cost increases imposed through adoption of water and sewer rates after July 1, 2002, to provide incentives for the conservation of water]
Supervisors Alioto-Pier, Chu, Elsbernd

Ordinance amending the San Francisco Administrative Code to encourage water conservation by authorizing landlords to pass through to tenants fifty percent of increased water and sewer bill charges resulting from the adoption of water and sewer rates after July 1, 2002, where specified water conservation devices have been installed in all rental units and common areas of a building and no plumbing leaks exist in the building; and providing for passthrough administration, noticing and enforcement procedures.

NOT PASSED ON FIRST READING by the following vote:
Ayes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd
Noes: 7 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Rules Committee

081119 [Noise Control Ordinance- Establishing Noise Task Force]
Supervisor Ammiano

Ordinance amending the San Francisco Police Code by amending Sections 49, 2900, 2901, 2902, 2904, 2907, 2908, 2909, 2910, 2912, 2916, 2917, and 2918, repealing Sections 2903, 2906, 2911, 2913, 2914, 2915, and 2918, and adding new Sections 2912, 2920, 2922, 2924, and 2926, to revise the City's noise control regulations, add administrative penalties, and create a Noise Task Force.

FINALLY PASSED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Chu, Elsbernd

081190 **[Elections for the Retiree Health Trust Fund Board, San Francisco Employee Retirement System Board and Health Service System Board]**
Supervisor Elsbernd

Ordinance amending the San Francisco Administrative Code by amending Sections 16.550-16.561 and 16.563-16.564, and adding Sections 16.553-1, 16.553-2 and 16.565, and amending San Francisco Campaign and Governmental Conduct Code by adding Section 3.1-268, to provide for Retiree Health Trust Fund Board elections and making minor revisions to existing San Francisco Retirement System and Health Service System election procedures.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081227 **[Voting Systems Task Force]**
Supervisor Ammiano

Ordinance amending the Administrative Code by adding Sections 5.400-410 to establish a Voting Systems Task Force comprised of individuals with backgrounds in good government, computer science or the computer industry, election administration, and accommodations of persons with disabilities, to make recommendations to the Board of Supervisors about voting system standards, design and development.

FINALLY PASSED by the following vote:
Ayes: 7 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 4 - Alioto-Pier, Chu, Elsbernd, Peskin

081285 **[Lobbyist Ordinance amendments to regulate permit lobbying]**
Supervisors Peskin, Daly

Ordinance amending Chapter 1 of Article II of the Campaign and Governmental Conduct Code by amending section 2.105 to require registration and disclosure under the Lobbyist Ordinance by persons who lobby the Zoning Administrator, the City Engineer, the County Surveyor, the Bureau Chief of the Department of Public Works' Bureau of Street Use and Mapping, elected officials, or the Director, Assistant Director or Deputy Director of the Planning Department, Department of Building Inspection or Department of Public Works regarding permits, parcel maps or subdivision tract maps.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Dufty

081317 [Authorizing Settlement of Attorney's Fees and Costs Claim Following Lawsuit - $380,000]

Ordinance authorizing settlement of the claim for attorney's fees and costs incurred by Paula Fiscal, Larry Barsetti, Rebecca Kidder, Dana Drenkoski, John Candido, Alan Byard, Andrew Sirkis, National Rifle Association, Second Amendment Foundation, California Association of Firearm Retailers, Law Enforcement Alliance of America, and San Francisco Veteran Police Officers Association in litigation against the City and County of San Francisco, for $380,000.00; the lawsuit was filed on December 29, 2005 in San Francisco Superior Court, Case No. CPF-050505960; entitled Fiscal, et al., v. City and County of San Francisco, et al. (City Attorney)

(Supervisor Daly dissented in committee.)

FINALLY PASSED by the following vote:

Ayes: 8 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 3 - Ammiano, Daly, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

081270 [Accept and Expend Public Safety Interoperable Communications Grant and Amend Annual Salary Ordinance, FY 2008-2009 - $14,941,976.82]

Supervisor Alioto-Pier

Ordinance authorizing the Department of Emergency Management (DEM), as fiscal agent for multiple local jurisdictions, to retroactively accept and expend a Public Safety Interoperable Communications grant in the amount of $14,941,976.82 from the United States Department of Commerce and to provide $451,122 as San Francisco's portion of required matching funds; and amending Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) to reflect the addition of two grant-funded positions (.58 FTE - 0941 Manager VI and .58 FTE - 0931 Manager III) in the Department of Emergency Management.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081218 **[Amendment to Settlement Agreement with Pacific Gas and Electric Company - Federal ID No. 94-0742640]**

Resolution retroactively authorizing the Port to execute an amendment to the settlement agreement between Pacific Gas and Electric Company (PG&E) and the City and County of San Francisco, dated June 14, 2005, in the matter of PG&E's petition for relief under the Bankruptcy Code (Federal ID No. 94-0742640). The settlement resolves a claim of encroachment by PG&E's Hunter's Point Power Plant on Custer, Davidson, India and Ingalls Streets, by: (1) extending PG&E's right to continue occupying approximately 35,465 square feet of Custer and Davidson Streets until July 31, 2012, and to continue occupying approximately 56,484 square feet of Custer, Davidson, India and Ingalls Streets until July 31, 2016, with option to extend each period of occupancy for periods of 6 months at a time with the Port's prior written consent; and (2) delaying the commencement date of a 5-year lease to PG&E of approximately 1,421 square feet of Davidson Street from January 1, 2008 to August 1, 2012. (Port)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081266 **[WSIP Agreement No. CS-914, Bay Division Regional Construction Management Services]**

Resolution approving the selection of Jacobs Engineering; awards Water System Improvement Program-funded Agreement No. CS-914, Bay Division Regional Construction Management Services. (Public Utilities Commission)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081273 **[Lease of Real Property at 25 Van Ness, Lower Level, to New Conservatory Theatre Center]**
Supervisors Ammiano, Dufty

Resolution authorizing the lease of approximately 12,792 rentable square feet of space to New Conservatory Theatre Center, a California non-profit corporation, in the lower level of 25 Van Ness, San Francisco.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081336 **[Accept and Expend grant funds to support a juvenile mental health program - $200,000]**
Supervisor Maxwell

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $200,000 from the United States Department of Justice, for a project entitled "AIIM Higher," for the period of September 1, 2008 through August 31, 2010.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081353 [Approval of a contract for the Department of Public Health - $16,472,460]

Resolution authorizing the San Francisco Department of Public Health to enter into a contract for fiscal intermediary services related to the San Francisco Mental Health Plan's for Private Provider Network, residential care facilities, and for mental health wraparound services for the term of January 1, 2009 through December 31, 2009.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081343 [Appropriating $34,755,000 of bond sale proceeds and Library Preservation Fund balance for improvements and construction of San Francisco Public Library Facilities in Fiscal Year 2008-2009]

Mayor

Ordinance appropriating $34,755,000 of bond sale proceeds, unappropriated fund balance and unappropriated general reserve for improvements and construction of San Francisco Public Library Facilities in Fiscal Year 2008-2009. Place on Controller's Reserve $33,955,000 of the bond sale proceeds pending sale of the bond.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081344 [Appropriating $13,222,746 of State Proposition 1B Revenue for Street Resurfacing Projects in the Department of Public Works for Fiscal Year 2008-2009]

Mayor, Supervisor Elsbernd

Ordinance appropriating $13,222,746 of FY 2008-09 State Proposition 1B Local Streets and Roads Improvement funds for road maintenance and resurfacing projects in the Department of Public Works for Fiscal Year 2008-2009. The department will use the funds to implement road maintenance and resurfacing projects at various locations.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081345 [Lease Financing for Library Projects]
Mayor

Ordinance approving the issuance and sale of lease revenue bonds to finance various projects under the Branch Library Improvement Program, as further described herein; approving the form of a Facilities Lease by and between the City and County of San Francisco Finance Corporation (the "Corporation") and the City and County of San Francisco (the "City") relating to certain real property described herein; approving the form of a Master Lease by and between the Corporation and the City; approving the form of a Master Trust Agreement by and between the Corporation and a trustee (including certain indemnities contained therein); authorizing the selection of a trustee; approving the form of an Assignment Agreement by and between the Corporation and a trustee; approving the form of an Official Notice of Sale and a Notice of Intention to Sell the lease revenue bonds; directing the publication of the Notice of Intention to Sell the lease revenue bonds; approving the form of a Purchase Contract and authorizing the appointment of one or more underwriters for the lease revenue bonds; approving the form of an Official Statement in preliminary and final form and directing the Controller to return to the Board at a later date with a revised official statement; approving the form of a Continuing Disclosure Certificate; authorizing the payment of cost of issuance; authorizing the reimbursement of certain expenditures; granting general authority to City officials to take certain actions in connection with the lease revenue bonds; approving modifications to documents; adopting findings under the California Environmental Quality Act ("CEQA") and findings pursuant to City Planning Code Section 101.1 and City Administrative Code Section 2A.53; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081384 [Transfer of Responsibilities for Court Facilities]
Mayor

Resolution authorizing the transfer of responsibilities for three court facilities at 375 Woodside Avenue and 850 Bryant Street and the agreement to make ongoing payments of fixed court facility payments following such transfers to the State of California equal to $78,275 per year, adjusted by an inflation index, and of $28,116 per year, adjusted by an inflation index, for the two court facilities at 375 Woodside Avenue, $703,105 per year, adjusted by an inflation index, for the court facility at 850 Bryant Street.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Land Use and Economic Development Committee

081082 [Requiring Activation of Closed Captions During Video Events]
Supervisor Alioto-Pier

Ordinance amending the San Francisco Police Code by amending Sections 4401 and 4402 to require the activation of closed captioning during video events in a park, open space, zoo, or other outdoor recreation area.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081340 **[Amending Administrative, Police, Public Works, Business & Tax and Transportation Codes, to conform to the 11/06/2007 Proposition on Transit Reform, Parking Enforcement and Emissions Reduction]**

Supervisor Peskin

Ordinance amending San Francisco Administrative Code Sections 2A.81, 5.20, 5.130-5.132, Chapter 17, and repealing Administrative Code Sections 2A.180 and 10.150-10.151; amending San Francisco Police Code Sections 386, 835-839, 939, 1054, 1076, 1175-1180, 3057, 3910, adding Police Code Sections 835.1-835.2, 939.1-939.6, 975.1-975.5, and repealing Police Code Sections 710.2, 1166, 1170-1171, and Article 16, Division IX; amending San Francisco Public Works Code Sections 2.4.3 and 724.4, and repealing Section 701; repealing San Francisco Business & Tax Code Sections 1.11-1.14 and 129.2-129.5; repealing and re-enacting San Francisco Transportation Code Division 1, to conform those sections to the 11/06/2007 Proposition on Transit Reform, Parking Regulation, and Emissions Reduction.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081002 **[Zoning - Violations of General Advertising Sign Requirements]**

Supervisors Alioto-Pier, Peskin

Ordinance amending the San Francisco Planning Code by amending Section 610 to require response to a notice of violation to be given within 30 days instead of 45 days and to add subsection (f), which addresses repeat violations of general advertising sign requirements by a single entity on the same property; adopting findings, including environmental findings and findings required by Section 302 and Section 101.1 of the Planning Code.

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 3 - Daly, Dufty, Mirkarimi

081058 **[Planning - Conditional Use Requirement for Power Plants in M-1 and M-2 Zoning Districts]**

Supervisors Maxwell, Peskin

Ordinance amending Planning Code Section 226 to require that power plants in M-1 and M-2 zoning districts obtain conditional use authorization, adding Section 226.1 requiring additional findings; amending the Administrative Code to add Chapter 29A to require the Board of Supervisors consider the criteria of Planning Code Section 226.1(c) prior to taking City power plant approval actions; making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081335 **[Summary Vacation of Public Utility Easements at the intersection of Crescent Way and Executive Park Boulevard]**
Supervisor Maxwell

Ordinance ordering the summary vacation of unused and unnecessary public utility easements located at the intersection of Cresent Way and Executive Park Boulevard in San Francisco (within Assessor's Block 4991); making findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the vacation is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; authorizing the conveyance of the vacated public utility easements to Top Vision Development, LLC; and authorizing other actions in furtherance of this Ordinance.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:00 P.M.

081381 **[Hearing - Ground Lease of Redevelopment Agency Land for 365 Fulton Street Supportive Housing]**

Hearing of persons interested in or objecting to proposed resolution approving the Redevelopment Agency of the City and County of San Francisco's Ground Lease (the "Ground Lease") for Block 792, Lot 28, commonly known as Central Freeway Parcel G Supportive Housing (the "Project") at 365 Fulton Street, southeast corner of Fulton and Gough Streets, San Francisco, California (the "Site") in the Western Addition A-2 Redevelopment Project Area, to 365 FULTON, L.P., a California limited partnership, for 65 years for the purpose of developing housing for very low-income formerly homeless residents.

The President inquired as to whether or not any member of the public wished to address the Board members.
Representative of the Redevelopment Agency reviewed with the Board its recommendations.
Ruth Karen Jenkins; opposed to the proposed legislation
William Picklehoffer; opposed to the proposed legislation
Mr. Zelinsky; support of the proposed legislation
Ron Zest; support of the proposed legislation
Patricia A. Young; support of the proposed legislation
Gus Elliot; support of the proposed legislation
Male speaker; support of the proposed legislation
Female speaker; support of the proposed legislation
Female speaker; support of the proposed legislation
Stephen Kaufman; support of the proposed legislation
Female speaker; support of the proposed legislation
Philip Jaber; support of the proposed legislation

The President declared the public hearing closed.

Heard at Public Hearing.
FILED.

081382 **[Ground Lease of Redevelopment Agency Land for 365 Fulton Street Supportive Housing]**
Supervisors Mirkarimi, Daly

Resolution approving the Redevelopment Agency of the City and County of San Francisco's Ground Lease (the "Ground Lease") for Block 792, Lot 28, commonly known as Central Freeway Parcel G Supportive Housing (the "Project") at 365 Fulton Street, southeast corner of Fulton and Gough Streets, San Francisco, California (the "Site") in the Western Addition A-2 Redevelopment Project Area, to 365 FULTON, L.P., a California limited partnership, for 65 years for the purpose of developing housing for very low-income formerly homeless residents.

Supervisor Daly requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 2 - Ammiano, Sandoval

SPECIAL ORDER 3:30 P.M. Recognition of Commendations

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Ammiano, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Ammiano introduced, welcomed and presented a Certificate of Honor to Dr. Toye Moses in recognition of his service as a member of the Mental Health Board.

Supervisor Ammiano introduced, welcomed and presented Certificates of Honor to Brian Chu in recognition of winning the Youth ID poster contest and also to members who participated in the contest.

John Hanley, President of Local 798, Firefighters made a presentation to outgoing members of the Board of Supervisors.

Supervisor Alioto-Pier introduced, welcomed, and presented a Certificate of Honor to the management of Starbucks Coffee in appreciation for free coffee offered during the November 4, 2008 Election.

SPECIAL ORDER 4:00 P.M.

081365 **[Public Hearing - Appeal of Final Environmental Impact Report for the 690 Stanyan Street Project]**
Hearing of persons interested in or objecting to the Planning Commission's October 23, 2008 certification of a Final Environmental Impact Report identified as Planning No. 2006.0460E, through it's Motion No. 17732, for a proposed development at 690 Stanyan Street, Assessors Block No. 1228, Lots 005 and 006. (Appellant: Regan Caponi)

(Filed 10/24/08; Companion measure to 081366, 081367, 081368)

The President inquired as to whether any member of the public wished to address the Board members.
President informed the Board members that the appellant had withdrawn the appeal.

Female speaker; support of the project sponsor
Female speaker; support of the project sponsor
Ted Lowberg; support of the project sponsor
The President declared the public hearing closed.
Heard at public hearing.
FILED.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Final Environmental Impact Report described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

081366 **[Affirming certification of 690 Stanyan Street Project FEIR]**
Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 690 Stanyan Street Project. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081367 **[Disapproving certification of 690 Stanyan Street Project FEIR]**
Motion disapproving the certification by the Planning Commission of the Final Environmental Impact Report for 690 Stanyan Street Project. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081368 **[Preparation of findings to disapprove certification of 690 Stanyan Street Project FEIR]**
Motion directing the Clerk of the Board to prepare findings disapproving the certification by the Planning Commission of the Final Environmental Impact Report for the 690 Stanyan Street Project FEIR. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081235 **[Subdivision Code - notice and appeal procedures, DBI review fee]**
Supervisor Peskin

Ordinance amending the Subdivision Code Section 1313 to modify noticing procedures for subdivision applications and delete the Department of Public Works appeal hearing on engineering and surveying matters; amending Section 1314 concerning appellants so that it conforms with the California Subdivision Map Act; amending Section 1359 to conform with the abovementioned amendments; amending Section 1315 to include a processing fee for all subdivisions that the Department of Building Inspection reviews; and making environmental findings.

Supervisor Sandoval, seconded by Supervisor Chu, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081247 **[Zoning - Conditional use authorization for new development in the Bernal South Slope Area]**
Supervisor Ammiano

Ordinance amending Planning Code Section 242 to require conditional use authorization for new development in the Bernal South Slope Area, and making findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Daly Excused From Voting

Supervisor Maxwell, seconded by Supervisor Sandoval, moved to excuse Supervisor Daly, at his request, because of possible conflict of interest, was excused from voting on File Nos. 081152, 081153, 081154, 081155, 081333, 081334, 081339, 081469, 081470, 081471, 081472 and 081473. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

081152 **[Approving General Plan Amendments Related to the Eastern Neighborhoods Area Plans - the Mission, East SoMa, Showplace Square/Potrero Hill and Central Waterfront Area Plans]**

Ordinance amending the San Francisco General Plan by adding four new area plans, entitled the Mission Area Plan, the East South of Market (East SoMa) Area Plan, the Showplace Square/Potrero Hill Area Plan and the Central Waterfront Area Plan and approving General Plan amendments to implement the four aforementioned Eastern Neighborhoods Area Plans by amending the Commerce and Industry and Recreation and Open Space Elements, the Land Use Index, and the South of Market, Northeastern Waterfront, and Central Waterfront Area Plans; making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1. (Planning Department)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

Appointment of President Pro Tempore

At the request of the President, Supervisor Sandoval assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

081153 **[Planning Code amendments for the Eastern Neighborhoods Area Plans]**

Ordinance amending the San Francisco Planning Code by adding and amending various sections to implement the four Eastern Neighborhood Area Plans comprised of the East SoMa, the Mission, the Showplace Square/Potrero Hill, and the Central Waterfront Area Plans; adopting in-lieu fees for on-site open space, trees, and affordable housing; adopting the Eastern Neighborhoods impact fee subject to certain restrictions; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Planning Department)

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to continue these matters to November 25, 2008.
Motion to continue this matter passed without objection.

Supervisor Peskin, seconded by Supervisor Ammiano, moved to rescind the previous vote to continue these matters to November 25, 2008.

Motion to rescind the previous vote passed by the following vote:
Ayes: 6 - Ammiano, Maxwell, McGoldrick, Mirkarimi, Peskin,Sandoval
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd
Excused: - 1 Daly

Supervisor Elsbernd requested to sever the following Sections from File No. 081153: Sec. 327.6 (i) (See File No. 081471); Sec.175.9 (See File No. 081469); Sec. 329 (See File No. 081472 and from File No. 081155 Section 10E. 7
(See File No. 081473).
Supervisor Peskin moved to sever Section 263.22 from File 081153 (See File No. 081470)

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to continue these severed files to November 25,008.
Motion to continue these matters failed by the following vote:
Ayes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell
Noes: 5 - Ammiano, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 -Daly

Supervisor Peskin, seconded by Supervisor Elsbernd, moved technical amendments to File 081153.
Motion to amend with technical amendments passed without objection.

Supervisor Sandoval, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

Severed from File No. 081153 Sec. 175.9.

081469 [Eastern Neighborhoods Area Plans - duration of authorizations]

Ordinance amending the San Francisco Planning Code by adding section 175.9 concerning the duration and expiration of various Planning Code authorizations in the Eastern Neighborhoods Area Plans; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Planning Department)

PASSED ON FIRST READING by the following vote:

Ayes: 6 - Ammiano, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd
Excused: 1 - Daly

Severed from File No. 081153 Sec. 263.22 .

081470 [Planning Code amendments for the Eastern Neighborhoods Area Plans]

Ordinance amending the San Francisco Planning Code by adding and amending various sections to implement the four Eastern Neighborhood Area Plans comprised of the East SoMa, the Mission, the Showplace Square/Potrero Hill, and the Central Waterfront Area Plans; adopting in-lieu fees for on-site open space, trees, and affordable housing; adopting the Eastern Neighborhoods impact fee subject to certain restrictions; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Planning Department)

Supervisor Peskin, seconded by Supervisor Ammiano, moved that this Ordinance be TABLED. The motion FAILED by the following vote:

Ayes: 5 - Ammiano, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Sandoval
Excused: 1 - Daly

NOT PASSED ON FIRST READING by the following vote:

Ayes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Sandoval
Noes: 5 - Ammiano, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Daly

Severed from File No. 081153 Sec. 327.6.

081471 [Eastern Neighborhoods - conditional use requirement tied to capital expenditures finding]

Ordinance amending the San Francisco Planning Code by adding Section 327.6(i) to establish a conditional use requirement that is tied to Board of Supervisors findings on the Eastern Neighborhoods Capital Expenditure Evaluation as set forth in Administrative Code Section 10E.7; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Planning Department)

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Ammiano, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Chu, Elsbernd
Excused: 1 - Daly

Severed from File No. 081153 Sec. 329.

081472 **[Eastern Neighborhoods Area Plans - large project authorization in Mixed Use Districts]**

Ordinance amending the San Francisco Planning Code by adding Section 329 to establish large project authorization in Eastern Neighborhoods Mixed Use Districts; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Planning Department)

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Ammiano, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Chu, Elsbernd
Excused: 1 - Daly

081154 **[Zoning Map Amendments in connection with the Eastern Neighborhoods Area Plans]**

Ordinance amending Zoning Map Sheets ZN01, ZN07, ZN08, HT01, HT07, HT08 and SU08 of the City and County of San Francisco Planning Code with revised use districts and height and bulk districts within the four Eastern Neighborhoods Planning Areas comprised of the East South of Market, Mission, Showplace Square/Potrero Hill and Central Waterfront Area Plans; and creating four special use districts for Life Science and Medical Special Use District bounded generally by Mariposa Street to the north, Ilinois Street to the west, Iowa Street to the east, and 23rd Street to the south; for Innovative Industries Incubator Special Use District bounded generally by 3rd Street to the west, Illinois Street to the east, 20th Street to the north and 23rd Street to the south; for Transit Oriented Retail Special Use District on 16th Street bounded generally by Capp Street to the east, Potrero Avenue to the west, 15th Sreet to the north and 17th Street to the south; for Integrative PDR Special Use District bounded generally by Cesar Chavez Street to the south, Pennsylvannia and Iowa Street to the west, 23rd Street to the north and Michigan and Maryland Streets to the east; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Department)

Continued to November 25, 2008

Supervisor Maxwell, seconded by Supervisor Sandoval, moved that this Ordinance be CONTINUED ON FIRST READING. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

081155 **[Eastern Neighborhoods Area Plans - monitoring program, CAC, integrated PDR TIDF fee]**

Ordinance amending the Administrative Code Chapter 10E to establish the Eastern Neighborhoods Monitoring Program for purposes of reviewing the effectiveness of the Eastern Neighborhoods Area Plans and implementation of specified improvements, the Integrated PDR Reporting program, and the Eastern Neighborhoods Citizens Advisory Committee; amending Administrative Code Chapter 38, Sections 38.1, 38.3, and 38.10 to create a Transit Impact Development Fee for Integrated PDR; and adopting environmental findings. (Planning Department)

Supervisor Peskin, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

Severed from File No. 081155 Section 10E. 7.

081473 **[Eastern Neighborhoods Area Plan - Capital Expenditure Evaluation]**

Ordinance amending the Administrative Code by adding section 10E.7 to establish the Eastern Neighborhoods Capital Expenditure Evaluation and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Chu, Elsbernd

081333 **[Zoning - SoMa Youth and Family Special Use Districts]**
Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by adding Section 249.41 and amending various sheets of the Zoning Map of the City and County of San Francisco to establish the South of Market (SoMa) Youth and Family Zone Special Use District, bounded generally by Natoma Street on the north, Harrison Street on the south, 4th Street on the east, and 7th Street on the west, to address youth and family concerns and expand affordable housing opportunities, including establishment of in-lieu affordable housing fees; and adopting environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1(b).

(Economic Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

081334 **[Zoning - Potrero Center Mixed-Use Special Use District]**
Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by adding Section 249.40 and amending Sheet SU08 of the Zoning Map of the City and County of San Francisco to establish the Potrero Center Mixed-Use Special Use District for the existing shopping center at 2300 16th Street between Bryant Street and Potrero Avenue (Assessor's Block 3930A Lot 002); and adopting environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1(b).

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

081339 **[Zoning - Publicly-owned properties in the Eastern Neighborhoods]**
Supervisor Peskin

Ordinance amending the Zoning Map of the City and County of San Francisco to rezone various publicly-owned properties in the Eastern Neighborhoods Plan Area to a "P" (Public) zoning district; and adopting environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1(b).

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

080934 [Requiring Air Quality Assessment and Ventilation for Certain Urban Infill Residential Developments]
Supervisor Ammiano

Ordinance amending the San Francisco Health Code by adding new Article 38 to require air quality assessment and ventilation for certain urban infill residential developments; amending the San Francisco Building Code by adding a third paragraph to Section 1203.5 and amending the San Francisco Mechanical Code by adding new Section 419 to require special ventilation systems for certain urban infill residential developments; making environmental findings; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission.

(Economic Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081248 [Changing the name of Rowland Street in North Beach to Dirk Dirksen Place]
Supervisor Ammiano

Resolution changing the name of Rowland Street on Broadway in North Beach to "Dirk Dirksen Street" in recognition of Dirk Dirksen, who will be remembered as one of the most important figures in the musical and cultural history of San Francisco; and authorizing initiation of the process to install a commemorative plaque on said street.

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Resolution changing the name of Rowland Street on Broadway in North Beach to “Dirk Dirksen Place,” in recognition of Dirk Dirksen, who will be remembered as one of the most important figures in the musical and cultural history of San Francisco; and authorizing initiation of the process to install a commemorative plaque on said street.

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081341 [Accept-Expend State Grant for Jefferson Street Redesign/Bay Trail Feasibility Study - $30,000]
Supervisor Peskin

Resolution authorizing the Planning Department to retroactively accept and expend up to $30,000 from the Association of Bay Area Government for Jefferson Street Redesign/Bay Trail Feasibility Study for FY2008-2009.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library
Walter; shared in song general issues in San Francisco
Mark Trout; expressed concern with issues relating to homosexuality
David Winthrop and fellow students; expressed concern with issues relating to the soccer fields in San Francisco
Dr. Porter Ashimya; expressed concern with issues relating to the passage of Prop P and the clean up of the residential Hunters Point Shipyard
Richard McRee; expressed concern with issues relating to his US patent for the design for Sigmund Stern Grove
John di Donna; shared with the Board a written document relating to marriage
Male speaker; shared with the Board the celebration of Mount Wilson
Espanola Jackson; expressed concern with issues relating to the Bayview Hunters Point area and the addition of power plants
Shelly; expressed concern with issues relating to the proposed budget cuts to the St James Infirmary
Edmund Larry; expressed concern with issues relating to SRO housing

ROLL CALL FOR INTRODUCTIONS

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

081407 **[Commending Tina Modotti]**
Supervisor Peskin

Resolution commending Tina Modotti an independent, liberated woman of incredible talent, intelligence and social commitment who resided in San Francisco in 1913 through 1918.

ADOPTED

081408 [Urging the San Francisco Municipal Transportation Agency's Board of Directors to change the name of the MUNI Metro East Maintenance Facility to the "Willie L. Brown, Jr. Light Rail Facility"]
Supervisor McGoldrick

Resolution urging the San Francisco Municipal Transportation Agency's Board of Directors to change the name of the Metro East Maintenance Facility to the "Willie L. Brown, Jr. Light Rail Facility."

ADOPTED

081409 [Brady Street Memorial]
Supervisor McGoldrick

Resolution dedicating Brady Street in San Francisco to the memory of Margaret and Bernard Brady and recognizing the other historical figures for whom the street was named.

ADOPTED

081410 [Approval of a historical property contract for 690 Market Street ("Chronicle Building")]
Supervisor Peskin

Resolution under Chapter 71 of the San Francisco Administrative Code, approving an historical property contract between RC Chronicle Building LP and 690 Market Master Association, a nonprofit mutual public benefit association, the owners of 690 Market Street ("Chronicle Building"), and the City and County of San Francisco; authorizing the Director of Planning and the Assessor to execute the historical property contract.

ADOPTED

081412 [Appointment - Treasury Oversight Committee, Todd Rydstrom]
Supervisor Peskin

Resolution appointing Todd Rydstrom, term ending June 5, 2009, to the Treasury Oversight Committee, residency requirement waived.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed From the Without Reference to Committee Agenda

Supervisor Ammiano requested that this matter be severed so that it might be considered separately.

081349 [Commending the Blue Ribbon Panel and prioritizing California Pacific Medical Center's Long Range Development Plan]
Supervisor Alioto-Pier

Resolution commending the work of the Blue Ribbon Panel and urging all City Departments to prioritize the California Pacific Medical Center Long Range Development Plan ("LRDP").

Supervisor Ammiano, seconded by Supervisor Alioto-Pier, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

081406 **[2009 Board of Supervisors Regular Meeting Schedule]**

Motion revising the 2009 Board of Supervisors regular meeting schedule by canceling the Board meetings of January 20, February 17, May 26, September 8, September 29, October 13, and December 1; and by further canceling all Board and Committee meetings during the summer and winter breaks from August 19 through September 8, 2009 and December 16 though December 31, 2009. (Clerk of the Board)

Supervisor Elsbernd moved to amend by adding the Board meeting date of January 6, 2009 to be canceled. Motion failed for lack of a second.

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Elsbernd

Supervisor Alioto-Pier requested that this matter be severed so that it might be considered separately.

081411 **[Opposing location of proposed Presidio Fine Arts Museum]**
Supervisor Peskin

Resolution declaring official City policy opposing preferred alternatives 2 and 2A in the San Francisco Presidio Trust's Draft Supplemental Environmental Impact Statement (DSEIS) that propose the construction of a large hotel and museum facility in the Presidio.

Continued to November 25, 2008

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

081413 **[Taking File #081015 - Mirant Power Plant retrofit - from the Table]**
Supervisors Peskin, Maxwell

Motion pursuant to Board of Supervisors Rule 4.31 to remove File #081015 from the table for consideration at the next Board meeting, on Tuesday November 25th.

APPROVED by the following vote:

Ayes: 7 - Ammiano, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Chu, Daly, Elsbernd

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

081414 **[Reaffirming and Restating Finding of Fiscal Feasibility for the revised Exploratorium Project at Piers 15/17 and Finding of Lease Exemption from Competitive Bidding Policy; Endorsing Amended and Restated Term Sheet]**

Resolution reaffirming and restating the Board of Supervisor's prior findings that the revised Exploratorium Project at Piers 15/17 is fiscally feasible and responsible pursuant to Administrative Code Chapter 29 and is exempt from the competitive bidding policy set forth in Administrative Code Section 2.6-1, and endorsing the Amended and Restated Term Sheet between the Exploratorium and the San Francisco Port Commission. (Port)

10/31/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

081415 **[Approval of Port Lease for TCHO Ventures, Inc. at Pier 17]**

Resolution approving Port Commission Lease No. L-14584 with TCHO Ventures, Inc. ("TCHO") for a five (5) year term for certain real property located at Pier 17 in the City and County of San Francisco. (Port)

10/31/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081416 **[Approving Seven Technology Store Contracts pursuant to Charter Section 9.118(b)]**

Supervisor Dufty

Resolution approving the award of seven contracts for Technology Store purchases pursuant to San Francisco Charter Section 9.118(b).

11/7/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081417 **[Purchase of Real Property located at 5033 Third Street, San Francisco for the Public Library]**

Resolution authorizing the execution and performance of an Agreement of Purchase and Sale for Real Estate between the City and County of San Francisco and Doug Wong and Pearl Yee Wong, husband and wife, as joint tenants (the "Seller"), for the purchase of real property and improvements located at 5027 – 5033 Third Street, San Francisco, to expand the Bayview/ Anna E Waden Branch Library of the San Francisco Public Library; adopting findings under the California Environmental Quality Act; and adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1. (Real Estate Department)

11/10/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 6:06 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, November 25, 2008 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Maufas, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Ammiano, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty, Ammiano	1st and 3rd Thursday 10:00 AM

GOVERNMENT
DOCUMENTS DEPT

DEC - 4 2008

SAN FRANCISCO
PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll Supervisor Dufty was noted absent.

There was a quorum present.

Supervisor Dufty was noted present at 2:08 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to approve the Board Meeting Minutes of October 28, 2008. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

081270 **[Accept and Expend Public Safety Interoperable Communications Grant and Amend Annual Salary Ordinance, FY 2008-2009 - $14,941,976.82]**

Supervisor Alioto-Pier

Ordinance authorizing the Department of Emergency Management (DEM), as fiscal agent for multiple local jurisdictions, to retroactively accept and expend a Public Safety Interoperable Communications grant in the amount of $14,941,976.82 from the United States Department of Commerce and to provide $451,122 as San Francisco's portion of required matching funds; and amending Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) to reflect the addition of two grant-funded positions (.58 FTE - 0941 Manager VI and .58 FTE - 0931 Manager III) in the Department of Emergency Management.

(Fiscal Impact.)

FINALLY PASSED

081343 **[Appropriating $34,755,000 of bond sale proceeds and Library Preservation Fund balance for improvements and construction of San Francisco Public Library Facilities in Fiscal Year 2008-2009]**
Mayor

Ordinance appropriating $34,755,000 of bond sale proceeds, unappropriated fund balance and unappropriated general reserve for improvements and construction of San Francisco Public Library Facilities in Fiscal Year 2008-2009. Place on Controller's Reserve $33,955,000 of the bond sale proceeds pending sale of the bond.

(Fiscal Impact.)

FINALLY PASSED

081344 **[Appropriating $13,222,746 of State Proposition 1B Revenue for Street Resurfacing Projects in the Department of Public Works for Fiscal Year 2008-2009]**
Mayor, Supervisor Elsbernd

Ordinance appropriating $13,222,746 of FY 2008-09 State Proposition 1B Local Streets and Roads Improvement funds for road maintenance and resurfacing projects in the Department of Public Works for Fiscal Year 2008-2009. The department will use the funds to implement road maintenance and resurfacing projects at various locations.

(Fiscal Impact.)

FINALLY PASSED

081345 **[Lease Financing for Library Projects]**
Mayor

Ordinance approving the issuance and sale of lease revenue bonds to finance various projects under the Branch Library Improvement Program, as further described herein; approving the form of a Facilities Lease by and between the City and County of San Francisco Finance Corporation (the "Corporation") and the City and County of San Francisco (the "City") relating to certain real property described herein; approving the form of a Master Lease by and between the Corporation and the City; approving the form of a Master Trust Agreement by and between the Corporation and a trustee (including certain indemnities contained therein); authorizing the selection of a trustee; approving the form of an Assignment Agreement by and between the Corporation and a trustee; approving the form of an Official Notice of Sale and a Notice of Intention to Sell the lease revenue bonds; directing the publication of the Notice of Intention to Sell the lease revenue bonds; approving the form of a Purchase Contract and authorizing the appointment of one or more underwriters for the lease revenue bonds; approving the form of an Official Statement in preliminary and final form and directing the Controller to return to the Board at a later date with a revised official statement; approving the form of a Continuing Disclosure Certificate; authorizing the payment of cost of issuance; authorizing the reimbursement of certain expenditures; granting general authority to City officials to take certain actions in connection with the lease revenue bonds; approving modifications to documents; adopting findings under the California Environmental Quality Act ("CEQA") and findings pursuant to City Planning Code Section 101.1 and City Administrative Code Section 2A.53; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

081082 [Requiring Activation of Closed Captions During Video Events]
Supervisor Alioto-Pier

Ordinance amending the San Francisco Police Code by amending Sections 4401 and 4402 to require the activation of closed captioning during video events in a park, open space, zoo, or other outdoor recreation area.

FINALLY PASSED

081340 [Amending Administrative, Police, Public Works, Business & Tax and Transportation Codes, to conform to the 11/06/2007 Proposition on Transit Reform, Parking Enforcement and Emissions Reduction]
Supervisor Peskin

Ordinance amending San Francisco Administrative Code Sections 2A.81, 5.20, 5.130-5.132, Chapter 17, and repealing Administrative Code Sections 2A.180 and 10.150-10.151; amending San Francisco Police Code Sections 386, 835-839, 939, 1054, 1076, 1175-1180, 3057, 3910, adding Police Code Sections 835.1-835.2, 939.1-939.6, 975.1-975.5, and repealing Police Code Sections 710.2, 1166, 1170-1171, and Article 16, Division IX; amending San Francisco Public Works Code Sections 2.4.3 and 724.4, and repealing Section 701; repealing San Francisco Business & Tax Code Sections 1.11-1.14 and 129.2-129.5; repealing and re-enacting San Francisco Transportation Code Division 1, to conform those sections to the 11/06/2007 Proposition on Transit Reform, Parking Regulation, and Emissions Reduction.

FINALLY PASSED

081058 [Planning - Conditional Use Requirement for Power Plants in M-1 and M-2 Zoning Districts]
Supervisors Maxwell, Peskin

Ordinance amending Planning Code Section 226 to require that power plants in M-1 and M-2 zoning districts obtain conditional use authorization, adding Section 226.1 requiring additional findings; amending the Administrative Code to add Chapter 29A to require the Board of Supervisors consider the criteria of Planning Code Section 226.1(c) prior to taking City power plant approval actions; making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

FINALLY PASSED

081247 [Zoning - Conditional use authorization for new development in the Bernal South Slope Area]
Supervisor Ammiano

Ordinance amending Planning Code Section 242 to require conditional use authorization for new development in the Bernal South Slope Area, and making findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

FINALLY PASSED

081335 [Summary Vacation of Public Utility Easements at the intersection of Crescent Way and Executive Park Boulevard]
Supervisor Maxwell

Ordinance ordering the summary vacation of unused and unnecessary public utility easements located at the intersection of Cresent Way and Executive Park Boulevard in San Francisco (within Assessor's Block 4991); making findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the vacation is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; authorizing the conveyance of the vacated public utility easements to Top Vision Development, LLC; and authorizing other actions in furtherance of this Ordinance.

FINALLY PASSED

Recommendations of the Rules Committee

081157 [Appointment, Children's Collaborative Task Force - Adina Safer, Natasha Hoehn, Rebecca Kroll, Steven E. Mitchel, Laurie Poston, Judy McKie, Cammy Blackstone and Matt Middlebrook]
Motion appointing Adina Safer, Natasha Hoehn, Rebecca Kroll, Steven E. Mitchel, Laurie Poston, Judy McKie, Cammy Blackstone and Matt Middlebrook, terms to be determined at first meeting, to the Children's Collaborative Task Force.

Adina Safer, new designation, seat 4, must be the parent of a child currently enrolled in or attending a public school in San Francisco, for two-year term to be determined at first meeting.
Natasha Hoehn, new designation, seat 7, must be an at-large representative of public schools in San Francisco, for two-year term to be determined at first meeting.
Rebecca Kroll, new designation, seat 9, must be a teacher and/or an education professional currently employed by a private school in San Francisco, for two-year term to be determined at first meeting.
Steven E. Mitchel, new designation, seat 12, must be the parent of a child currently enrolled in or attending a private school in San Francisco, for two-year term to be determined at first meeting.
Laurie Poston, new designation, seat 13, must be the parent of a child currently enrolled in or attending a private school in San Francisco, for two-year term to be determined at first meeting.
Judy McKie, new designation, seat 14, must be the parent of a child currently enrolled in or attending a private school in San Francisco, for two-year term to be determined at first meeting.
Cammy Blackstone, new designation, seat 18, must be the parent of a child currently enrolled in or attending a parochial school in San Francisco, for two-year term to be determined at first meeting.
Matt Middlebrook, new designation, seat 19, must be the parent of a child currently enrolled in or attending a parochial school in San Francisco, for two-year term to be determined at first meeting.

APPROVED

081307 [Appointment, SOMA Community Stablization Fund Community Advisory Committee - Ian Kim and Conny Ford]
Motion appointing Ian Kim and Conny Ford, terms ending April 27, 2010, to the SOMA Community Stablization Fund Community Advisory Committee.

APPROVED

081319 **[Appointment, Commission on the Aging Advisory Council - Gracia Wiarda]**

Motion appointing Gracia Wiarda, term ending March 31, 2010, to the Commission on the Aging Advisory Council.

Gracia Wiarda, succeeding Carlos Serrano-Quan, seat 5, term expired, must be nominee of District 4 Supervisor, term ending March 31, 2010.

APPROVED

081156 **[Appointment, Immigrant Rights Commission - Vera Haile, Gilberto Alexander and Rael Silva]**

Motion appointing Vera Haile and Gilberto Alexander, terms ending June 6, 2010 and Rael Silva, term ending June 6, 2009, to the Immigrant Rights Commission.

Vera Haile, succeeding herself, seat 1, term expired, must have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for two-year term ending June 6, 2010.

Gilberto Alexander, succeeding himself, seat 2, term expired, must have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for two-year term ending June 6, 2010.

Rael Silva, succeeding Felix Levy, seat 6, resigned, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for unexpired portion of a two-year term ending June 6, 2009.

APPROVED

Supervisor Ammiano seconded by Supervisor Dufty moved to pass the consent agenda. The motion passed by the following vote:
Ayes: 11 - Ammiano, Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor McGoldrick seconded by Supervisor Alioto-Pier moved to rescind the previous vote. The motion passed by the following vote:
Ayes: 11 - Ammiano, Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed from the Consent Agenda

081364 [Appointments, Urban Forestry Council - Maria D'Agostino, Naomi LeBeau, Bonnie Ora Sherk and Carolyn Blair]

Motion appointing Maria D'Agostino, Naomi LeBeau, Bonnie Ora Sherk and Carolyn Blair, terms ending November 18, 2010, to the Urban Forestry Council.

Maria D'Agostino, new assignment, seat 2, must be certified by a professional tree management organization (International Society of Arboriculture, American Society of Consulting Arborists, or American Society of Landscape Architects), for two-year term ending November 18, 2010.
Naomi LeBeau, new assignment, seat 4, must be member of non-profit organization involved in urban forestry or other environmentally-related issues, for two-year term ending November 18, 2010.
Bonnie Ora Sherk, new assignment, seat 5, must be member of non-profit organization involved in urban forestry or other environmentally-related issues, for two-year term ending November 18, 2010.
Carolyn Blair, new assignment, seat 6, must be member from the community, for two-year term ending November 18, 2010.

Supervisor McGoldrick requested that File No. 081364 be severed from the Consent Agenda.

Supervisor McGoldrick seconded by Superivors Mirkarimi moved to divide the appointment of Carolyn Blair into File No. 081497.

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved that this Motion be DIVIDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Motion appointing Maria D'Agostino, Naomi LeBeau, and Bonnie Ora Sherk terms ending November 18, 2010, to the Urban Forestry Council.

Maria D'Agostino, new assignment, seat 2, must be certified by a professional tree management organization (International Society of Arboriculture, American Society of Consulting Arborists, or American Society of Landscape Architects), for two-year term ending November 18, 2010.
Naomi LeBeau, new assignment, seat 4, must be member of non-profit organization involved in urban forestry or other environmentally-related issues, for two-year term ending November 18, 2010.
Bonnie Ora Sherk, new assignment, seat 5, must be member of non-profit organization involved in urban forestry or other environmentally-related issues, for two-year term ending November 18, 2010.

APPROVED AS DIVIDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081497 [Appointment, Urban Forestry Council - Carolyn Blair]

Motion appointing Carolyn Blair terms ending November 18, 2010, to the Urban Forestry Council.

Carolyn Blair, new assignment, seat 6, must be member from the community, for two-year term ending November 18, 2010.

Divided from File No. 081364.

APPROVED by the following vote:

Ayes: 6 - Ammiano, Daly, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, McGoldrick

REGULAR AGENDA

UNFINISHED BUSINESS

From the Budget and Finance Committee Without Recommendation

081086 [Public Works Code - annual right-of-way occupancy assessment fee for driveways]
Supervisor McGoldrick

Ordinance amending the Public Works Code by amending Section 716 to establish an annual public right-of-way occupancy assessment fee for the portion of an automobile runway (driveway) that requires or required modification to the public right-of-way; and making environmental findings.

FINALLY PASSED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Chu, Elsbernd

From the City Operations and Neighborhood Services Committee Without Recommendation

080658 [General advertising on City buildings and street furniture]
Supervisor McGoldrick

Ordinance amending the San Francisco Administrative Code by adding Section 4.20-1 to prohibit any new general advertising signs on street furniture over the number authorized as of January 1, 2008 and to prohibit new general advertising signs visible to the public on the exterior of City-owned buildings as of March 5, 2002; adopting environmental and other findings.

FINALLY PASSED by the following vote:
Ayes: 7 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

From the Land Use and Economic Development Committee Without Recommendation

061438 **[Public Works Code - Sidewalk flower-vending stands]**
Supervisor McGoldrick

Ordinance amending Public Works Code Sections 156, 157, 159, 160, 161, 162, and 163 to clarify application requirements, to add operating conditions for such stands and establish an abandonment period, to establish an annual public right-of-way occupancy fee, to delete provisions regarding permit assignment to family members of the permittee, to change the criminal penalty for violations from a misdemeanor to an infraction, and to establish administrative penalties for violations; and adding Section 165 concerning the establishment of new sidewalk flower-vending stand locations, including permit application fees.

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NOT PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 5 - Ammiano, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 6 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Mirkarimi

Supervisor McGoldrick seconded by Supervisor Mirkarimi moved to rescinded the previous vote.

PREVIOUS VOTE RESCINDED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

Continued to December 9, 2008.

Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved that this Ordinance be CONTINUED ON FIRST READING. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

Recommendations of the Land Use and Economic Development Committee

080934 **[Requiring Air Quality Assessment and Ventilation for Certain Urban Infill Residential Developments]**
Supervisor Ammiano

Ordinance amending the San Francisco Health Code by adding new Article 38 to require air quality assessment and ventilation for certain urban infill residential developments; amending the San Francisco Building Code by adding a third paragraph to Section 1203.5 and amending the San Francisco Mechanical Code by adding new Section 419 to require special ventilation systems for certain urban infill residential developments; making environmental findings; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission.

(Economic Impact.)

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081002 **[Zoning - Violations of General Advertising Sign Requirements]**
Supervisors Alioto-Pier, Peskin

Ordinance amending the San Francisco Planning Code by amending Section 610 to require response to a notice of violation to be given within 30 days instead of 45 days and to add subsection (f), which addresses repeat violations of general advertising sign requirements by a single entity on the same property; adopting findings, including environmental findings and findings required by Section 302 and Section 101.1 of the Planning Code.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

081235 **[Subdivision Code - notice and appeal procedures, DBI review fee]**
Supervisor Peskin

Ordinance amending the Subdivision Code Section 1313 to modify noticing procedures for subdivision applications and delete the Department of Public Works appeal hearing on engineering and surveying matters; amending Section 1314 concerning appellants so that it conforms with the California Subdivision Map Act; amending Section 1359 to conform with the abovementioned amendments; amending Section 1315 to include a processing fee for all subdivisions that the Department of Building Inspection reviews; and making environmental findings.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Daly Excused From Voting

It was decided to Supervisor Daly previously excused from voting on File Nos. 081152, 081153, 081154, 081155, 081333, 081334, 081339, 081469, 081470, 081471, 081472 and 081473, at his request, because of possible conflict of interest.

Appointment of President Pro Tempore

At the request of the President, Supervisor Ammiano assumed the Chair so the President could participate in the debate from the floor concerning the following items: File Nos. 081152, 081153, 081154, 081155, 081333, 081334, 081339, 081469, 081470, 081471, 081472 and 081473.

The President resumed the Chair shortly thereafter.

081152 **[Approving General Plan Amendments Related to the Eastern Neighborhoods Area Plans - the Mission, East SoMa, Showplace Square/Potrero Hill and Central Waterfront Area Plans]**

Ordinance amending the San Francisco General Plan by adding four new area plans, entitled the Mission Area Plan, the East South of Market (East SoMa) Area Plan, the Showplace Square/Potrero Hill Area Plan and the Central Waterfront Area Plan and approving General Plan amendments to implement the four aforementioned Eastern Neighborhoods Area Plans by amending the Commerce and Industry and Recreation and Open Space Elements, the Land Use Index, and the South of Market, Northeastern Waterfront, and Central Waterfront Area Plans; making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1. (Planning Department)

Continued to December 9, 2008.

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED ON FINAL PASSAGE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

081153 **[Planning Code Amendments for the Eastern Neighborhoods Area Plans]**

Ordinance amending the San Francisco Planning Code by adding and amending various sections to implement the four Eastern Neighborhood Area Plans comprised of the East SoMa, the Mission, the Showplace Square/Potrero Hill, and the Central Waterfront Area Plans; adopting in-lieu fees for on-site open space, trees, and affordable housing; adopting the Eastern Neighborhoods impact fee subject to certain restrictions; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Planning Department)

Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

Combined with File Nos. 081469, 081471 and 081472. (See related files for related Board action.)

Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved that this Ordinance be COMBINED WITH EXISTING FILE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

Passed on first reading as combined.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

081154 **[Zoning Map Amendments in connection with the Eastern Neighborhoods Area Plans]**

Ordinance amending Zoning Map Sheets ZN01, ZN07, ZN08, HT01, HT07, HT08 and SU08 of the City and County of San Francisco Planning Code with revised use districts and height and bulk districts within the four Eastern Neighborhoods Planning Areas comprised of the East South of Market, Mission, Showplace Square/Potrero Hill and Central Waterfront Area Plans; and creating five special use districts for Life Science and Medical Special Use District bounded generally by Mariposa Street to the north, Illinois Street to the West, Iowa Street to the East, and 23rd Street to the South; for Innovative Industries Incubator Special Use District bounded generally by 3rd Street to the West, Illinois Street to the east, 20th Street to the north and 23rd Street to the South; for Transit Oriented Retail Special Use District on 16th Street bounded generally by Capp Street to the East, Potrero Avenue to the West, 15th Street to the North and 17th Street to the South; for Restricted Integrated PDR Special Use District bounded generally by Cesar Chavez Street to the South, Pennsylvania and Iowa Street to the West, 23rd Street to the North and Michigan and Maryland Streets to the East; for Mission Street Landmark Special Height District and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Department)

11/25/08 - Amended to delete special height districts.

Supervisor Peskin, seconded by Supervisor Ammiano, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Elsbernd
Excused: 1 - Daly

11/25/08 - Amended to implement the Planning Department's Technical Amendment.

Supervisor Peskin, seconded by Supervisor Maxwell, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be PASSED ON FIRST READING AS AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

081155 **[Eastern Neighborhoods Area Plans - monitoring program, CAC, integrated PDR TIDF fee]**

Ordinance amending the Administrative Code Chapter 10E to establish the Eastern Neighborhoods Monitoring Program for purposes of reviewing the effectiveness of the Eastern Neighborhoods Area Plans and implementation of specified improvements, the Integrated PDR Reporting program, and the Eastern Neighborhoods Citizens Advisory Committee; amending Administrative Code Chapter 38, Sections 38.1, 38.3, and 38.10 to create a Transit Impact Development Fee for Integrated PDR; and adopting environmental findings. (Planning Department)

Combined with File No. 081473. (See related files for related Board action.)

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be COMBINED WITH EXISTING FILE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081333 **[Zoning - SoMa Youth and Family Special Use Districts]**
Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by adding Section 249.41 and amending various sheets of the Zoning Map of the City and County of San Francisco to establish the South of Market (SoMa) Youth and Family Special Use District, bounded generally by Natoma Street on the north, Harrison Street on the south, 4th Street on the east, and 7th Street on the west, to address youth and family concerns and expand affordable housing opportunities, including establishment of in-lieu affordable housing fees; and adopting environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1(b).

(Economic Impact.)

Continued to December 9, 2008.

Supervisor Ammiano, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED ON FINAL PASSAGE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

081334 [Zoning - Potrero Center Mixed-Use Special Use District]
Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by adding Section 249.40 and amending Sheet SU08 of the Zoning Map of the City and County of San Francisco to establish the Potrero Center Mixed-Use Special Use District for the existing shopping center at 2300 16th Street between Bryant Street and Potrero Avenue (Assessor's Block 3930A Lot 002); and adopting environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1(b).

Continued to December 9, 2008.

Supervisor Ammiano, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED ON FINAL PASSAGE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

081339 [Zoning - Publicly-owned properties in the Eastern Neighborhoods]
Supervisor Peskin

Ordinance amending the Zoning Map of the City and County of San Francisco to rezone various publicly-owned properties in the Eastern Neighborhoods Plan Area to a "P" (Public) zoning district; and adopting environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1(b).

Continued to December 9, 2008.

Supervisor Ammiano, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED ON FINAL PASSAGE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

From the Board

081469 [Eastern Neighborhoods Area Plans - duration of authorizations]

Ordinance amending the San Francisco Planning Code by adding section 175.9 concerning the duration and expiration of various Planning Code authorizations in the Eastern Neighborhoods Area Plans; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Planning Department)

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Sandoval
Excused: 1 - Daly

Combined into File No. 081153.

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved that this Ordinance be COMBINED WITH EXISTING FILE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

081471 **[Eastern Neighborhoods - conditional use requirement tied to capital expenditures finding]**

Ordinance amending the San Francisco Planning Code by adding Section 327.6(i) to establish a conditional use requirement that is tied to Board of Supervisors findings on the Eastern Neighborhoods Capital Expenditure Evaluation as set forth in Administrative Code Section 10E.7; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Planning Department)

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

Combined into File No. 081153.

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved that this Ordinance be COMBINED WITH EXISTING FILE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

081472 **[Eastern Neighborhoods Area Plans - large project authorization in Mixed Use Districts]**

Ordinance amending the San Francisco Planning Code by adding Section 329 to establish large project authorization in Eastern Neighborhoods Mixed Use Districts; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Planning Department)

Combined into File No. 081153.

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved that this Ordinance be COMBINED WITH EXISTING FILE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

081473 **[Eastern Neighborhoods Area Plans - Capital Expenditure Evaluation]**

Ordinance amending the Administrative Code by adding section 10E.7 to establish the Eastern Neighborhoods Capital Expenditure Evaluation and making environmental findings.

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

Combined into File No. 081155.

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Ordinance be COMBINED WITH EXISTING FILE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

Reactivated Pursuant to Board of Supervisors Rule 4.31

081015 **[Mirant Potrero Power Plant retrofit]**
Mayor

Resolution authorizing and directing the negotiation and execution of a memorandum of agreement relating to the retrofit of Potrero Power Plant Units 4, 5 and 6, the closure of all Potrero Power Plant generating units if and when such units are no longer needed for electric system reliability, and the reuse of the Potrero power Plant site upon such closure.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Resolution be TABLED. The motion FAILED by the following vote:

Ayes: 3 - Alioto-Pier, Chu, Elsbernd
Noes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NOT ADOPTED by the following vote:

Ayes: 1 - Ammiano
Noes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Ammiano seconded by Supervisor Mirkarimi moved to rescinded the previous vote.

PREVIOUS VOTE RESCINDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NOT ADOPTED by the following vote:

Noes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Rules Committee

081190 **[Elections for the Retiree Health Trust Fund Board, San Francisco Employee Retirement System Board and Health Service System Board]**
Supervisor Elsbernd

Ordinance amending the San Francisco Administrative Code by amending Sections 16.550-16.561 and 16.563-16.564, and adding Sections 16.553-1, 16.553-2 and 16.565, and amending San Francisco Campaign and Governmental Conduct Code by adding Section 3.1-268, to provide for Retiree Health Trust Fund Board elections and making minor revisions to existing San Francisco Retirement System and Health Service System election procedures.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081285 **[Lobbyist Ordinance amendments to regulate permit lobbying]**
Supervisors Peskin, Daly

Ordinance amending Chapter 1 of Article II of the Campaign and Governmental Conduct Code by amending section 2.105 to require registration and disclosure under the Lobbyist Ordinance by persons who lobby the Zoning Administrator, the City Engineer, the County Surveyor, the Bureau Chief of the Department of Public Works' Bureau of Street Use and Mapping, elected officials, or the Director of the Planning Department, Department of Building Inspection or Department of Public Works regarding permits, parcel maps or subdivision tract maps.

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Dufty

NEW BUSINESS

Recommendations of the Budget and Finance Committee

081328 **[Recreation and Park Department - Marina Small Craft Harbor Fees]**
Supervisor Alioto-Pier

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, Section 12.11 to increase the West Harbor berth rental fees in fiscal year 2012-2013, or upon completion of the West Harbor renovations.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081346 **[Approving Contract for Security Services - $19,326,260]**

Ordinance approving the contract between Guardsmark GP and the City and County of San Francisco to provide security services to the Human Services Agency for a one year term with four automatic extensions of one year each for a total cost not to exceed $19,326,260 and also providing that Guardsmark may terminate the contract at the end of any year by providing appropriate notice. (Human Services Department)

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081329 **[Recreation and Park Department - Marina Small Craft Harbor Loan]**

Supervisor Alioto-Pier

Resolution accepting a loan (the "Loan") from the State of California acting through its Department of Boating and Waterways (the "State") and approving the form of a loan agreement by and between the City and County of San Francisco (the "City") and the State (the "Loan Agreement"); granting general authority to City officials to take certain actions in connection with the Loan and the Loan Agreement; adopting findings under the California Environmental Quality Act, ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program; finding the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081370 **[Lease of Real Property - 1325A Evans Avenue]**

Resolution authorizing a new lease of approximately 3,287 rentable square feet of space at 1325A Evans Avenue for the San Francisco Public Utilities Commission. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081283 [Approving an Amendment to the Western Addition A-2 Redevelopment Plan to Extend the Redevelopment Agency's Time for Issuing and Repaying Debt and to Suspend the Limit on Total Tax Increment Revenue for Affordable Housing Development]

Supervisor Mirkarimi

Ordinance approving an amendment to the Western Addition A-2 Redevelopment Plan to extend both the time for issuance of debt and the receipt of tax increment by the San Francisco Redevelopment Agency and to suspend the limit on the total number of dollars of tax increment revenue that may be received by the San Francisco Redevelopment Agency under the Plan in order to continue financing Low and Moderate Income Housing Fund activities under the Plan.

Continued to December 9, 2008.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Ordinance be CONTINUED ON FIRST READING. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Appointment of President Pro Tempore

At the request of the President, Supervisor Daly assumed the Chair so the President could participate in the debate from the floor concerning the following item: File No. 080846.

The President resumed the Chair shortly thereafter.

From the Budget and Finance Committee Without Recommendation

080846 **[Limit on non-profit executive director salaries funded by City grants or contracts]**
Supervisors McGoldrick, Daly

Ordinance limiting the use of City funds for non-profit executive director salaries.

Supervisor Daly requested to be added as a co-sponsor.

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion FAILED by the following vote:

Ayes: 2 - Elsbernd, McGoldrick
Noes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Maxwell, Mirkarimi, Peskin, Sandoval

NOT PASSED ON FIRST READING by the following vote:

Ayes: 3 - Daly, McGoldrick, Sandoval
Noes: 8 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin

Supervisor McGoldrick seconded by Supervisor Mirkarimi moved to rescinded the previous vote.

PREVIOUS VOTE RESCINDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 6 - Daly, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 5 - Alioto-Pier, Ammiano, Chu, Dufty, Maxwell

Recommendations of the Government Audit and Oversight Committee

080379 [Regulating the conditions for purchasing prior public service credit through the Retirement System]
Supervisor Elsbernd

Ordinance amending Administrative Code Sections 16.55-1 through 16.55-4 and 16.61-5 to allow miscellaneous members of the San Francisco Employees' Retirement System to purchase credit for prior public service at any time before retirement, to require the Retirement System to calculate the cost to purchase that service credit based on the normal cost percentage for that service as determined by the actuary, to require the member to pay for all of the normal cost for the service credit, to allow eligible members to choose to receive prorated service credit if they terminate an installment agreement to purchase prior public service, to allow the Retirement System to accept rollovers to pay for public service purchases, and to conform to changes in the applicable law and Retirement System practices.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081286 [Authorizing the Real Estate Division to perform and award contracts for public work under a specified procedure]
Supervisor Peskin

Ordinance adding San Francisco Administrative Code Chapter 6, Section 6.70, to authorize the Real Estate Division to perform and award contracts for facilities public work through competition among a pre-qualified pool of contractors.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081383 [Transferring the powers and duties of the Taxi Commission to the Municipal Transportation Agency and setting operative date for transfer]
Supervisor Peskin

Ordinance amending the San Francisco Police Code by adding Section 1075.1, to transfer the powers and duties of the Taxi Commission to the Municipal Transportation Agency, and setting an operative date for the transfer.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Land Use and Economic Development Committee

081397 **[Urging the Municipal Transportation Agency and the Department of Public Health to collaborate and create health protective truck route planning in Southeast Neighborhoods]**
Supervisors Ammiano, Maxwell

Resolution urging the Municipal Transportation Agency and the Department of Public Health to collaborate and create health protective truck route planning in Southeast Neighborhoods. Encouraging cooperation between DPH and SFMTA and the local community in identifying and correcting health and safety related issues associated with truck traffic. Urging DPH to create a truck related exposure map identifying areas of significant exposure to air quality, noise and traffic hazards. Urging SFMTA to create a mitigation plan to address the impacts of local truck traffic on residential communities of southeast San Francisco that protects community health and provides efficient routes for commercial vehicle traffic.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081399 **[Endorsing a Finance Plan for the Redevelopment of Candlestick Point and the Hunters Point Shipyard]**
Supervisor Maxwell

Resolution endorsing a Finance Plan for a proposed mixed-use development on Candlestick Point and Hunters Point Shipyard.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

Recommendation of the Rules Committee

081258 **[Confirming the re-appointment of Rick Swig to the San Francisco Redevelopment Agency]**
Mayor

Motion confirming the re-appointment of Rick Swig to the San Francisco Redevelopment Agency for a four-year term ending September 3, 2012.

APPROVED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

COMMITTEE REPORTS

081232 **[Zoning - Requiring a Conditional Use Permit for Formula Retail Uses in the Residential-Commercial Combined Medium Density (RC-3) and Residential-Commercial Combined High Density (RC-4) Districts]**

Supervisor McGoldrick

Ordinance amending the Planning Code by amending Section 209.9, to require a conditional use permit for formula retail uses in the Residential-Commercial Combined Medium Density (RC-3) and Residential-Commercial Combined High Density (RC-4) Districts; and adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Chu, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Dufty, Elsbernd
Absent: 1 - Sandoval

Supervisor Dufty seconded by Supervisor Alioto-Pier moved to rescinded the previous vote.

PREVIOUS VOTE RESCINDED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

PASSED ON FIRST READING by the following vote:

Ayes: 6 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd
Absent: 1 - Sandoval

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

081456 [Commending Historic International Labor Partnership]
Supervisor Peskin

Resolution applauding the historic new partnership between the San Francisco Labor Council and the Guangzhou Federation of Trade Unions.

ADOPTED

081457 [California Street Steps Tiling Project]
Supervisor McGoldrick

Resolution supporting the gift of funds, once fundraising is completed, for the installation of artistic tile on the California Street Stairs to be maintained jointly by the San Francisco Arts Commission and the Department of Parks and Recreation.

ADOPTED

081458 [Municipal Transportation Agency Board of Directors-Advertising Policy]
Supervisor McGoldrick

Resolution urging the San Francisco Municipal Transportation Agency (SFMTA) Board of Directors not to renew any advertising contracts that permit window-covering advertisements on SFMTA passenger vehicles.

ADOPTED

081459 [Congratulating Tim Lincecum on winning the 2008 National League Cy Young Award]
Supervisor Dufty

Congratulating Tim Lincecum on winning the 2008 National League Cy Young Award.

ADOPTED

081461 [Senior Citizens' Property and Renters' Tax Assistance Program]
Supervisor Daly

Resolution urging Governor Arnold Schwarzenegger to restore the entire $190.9 Million appropriation for the Senior Citizens' Property and Renters' Tax Assistance Program in the 2008 California State Budget.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

Severed from Adoption without Committee Reference

Appointment of President Pro Tempore

At the request of the President, Supervisor Daly assumed the Chair so the President could participate in the debate from the floor concerning the following item: File No. 081411.

The President resumed the Chair shortly thereafter.

081411 **[Opposing location of proposed Presidio Fine Arts Museum]**
Supervisor Peskin

Resolution declaring official City policy opposing preferred alternatives 2 and 2A in the San Francisco Presidio Trust's Draft Supplemental Environmental Impact Statement (DSEIS) that propose the construction of a large hotel and museum facility in the Presidio.

Supervisor Alioto-Pier requested that this item be severed from the Adoption Without Committee Reference.

NOT ADOPTED by the following vote:
Ayes: 5 - Ammiano, Daly, McGoldrick, Mirkarimi, Peskin
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell
Absent: 1 - Sandoval

Supervisor Mirkarimi seconded by Supervisor Daly moved to rescinded the previous vote.

PREVIOUS VOTE RESCINDED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

Continued to December 9, 2008.

Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved that this Resolution be CONTINUED. The motion carried by the following vote:
Ayes: 6 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd
Absent: 1 - Sandoval

081460 **[Proposed Contemporary Art Museum]**
Supervisor Alioto-Pier

Resolution supporting the location of the proposed Contemporary Art Museum in the City and County of San Francisco.

Supervisor Daly requested that this item be severed from the Adoption Without Committee Reference and referred to committee.

REFERRED to the City Operations and Neighborhood Services Committee.

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved to adopt the Purely Commendatory Finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved to adaopt the Brown Act Findings. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

081490 [Commending Supervisor Tom Ammiano]
Supervisor Peskin

Resolution Commending and Honoring Supervisor Tom Ammiano for his distinguished service as a Supervisor of the City and County of San Francisco.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

081491 [Commending Brian Cahill]
Supervisor Dufty

Resolution commending Brian Cahill and his truly remarkable service with Catholic Charities CYO and wishing him the best in all of his future endeavors.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

081492 **[Commemorating the 30th Anniversary of the San Francisco Gay Men's Chorus to the Board of Supervisors of San Francisco]**
Supervisor Dufty

Resolution commemorating the 30th Anniversary of the San Francisco Gay Men's Chorus to the Board of Supervisors of San Francisco.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

081477 **[Settlement of Lawsuit - Laurent Katgely, et al. v. CCSF, et al. (C. Spencer) - $67,000]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Chez Spencer, a partnership, against the City and County of San Francisco for $67,000; the lawsuit was filed on December 8, 2004 in San Francisco Superior Court, Case No. 436942; entitled Laurent Katgely, et al. v. City and County of San Francisco, et al. (City Attorney)
11/17/08, RECEIVED AND ASSIGNED to Rules Committee.

081478 **[Settlement of Lawsuit - Jane Martin, et al. v. CCSF, et al. (IMG Home) - $500,000]**
Ordinance authorizing settlement of the portion of the lawsuit filed by IMG Home Corporation against the City and County of San Francisco for $500,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)
11/17/08, RECEIVED AND ASSIGNED to Rules Committee.

081479 **[Settlement of Lawsuit - Jane Martin, et al. v. CCSF, et al. (N. Quimson) - $45,000]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Noreen Quimson against the City and County of San Francisco for $45,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)
11/17/08, RECEIVED AND ASSIGNED to Rules Committee.

081480 **[Settlement of Claim - SFD Union Square, LLC - $40,000]**
Resolution Approving the settlement of unlitigated claim of SFD Union Square, LLC dba Sir Francis Drake Hotel against San Francisco for $40,000; claim was filed on August 25, 2008. (City Attorney)
11/17/08, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

081379 **[Accept gift to the Fire Department - $15,938]**

Resolution accepting a gift to the Fire Department from the Fireman's Fund Insurance Company Heritage Program of mask fit equipment and non-permeable emergency medical bags valued at $15,938. (Fire Department)

11/25/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

081388 **[Emergency contract to replace the stator core in Kirkwood Powerhouse generator number 1, designated "KPH1"]**

Resolution approving an emergency public work contract under San Francisco Administrative Code section 6.60 to replace the stator core in the Kirkwood Powerhouse generator number 1, designated "KPH1." (Public Utilities Commission)

11/17/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081419 **[Amendment to a Contract to Extend the Term for More than Ten Years]**

Resolution authorizing the Department of Technology to enter into the Seventh Amendment of an agreement with Stratus Technologies, Inc., to extend the term of the agreement to fourteen years. (Department of Technology)

11/17/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081454 **[Approving Central Subway Partnership Contract]**

Resolution approving Municipal Transportation Agency Contract No. CS-149, Program Management and Construction Management Services for the Central Subway Project with Central Subway Partnership, A Joint Venture of AECOM USA, Inc. and EPC Consultants in an amount not to exceed $147,375,171 for a term not to exceed five years with an option to extend the term an additional five years. (Municipal Transportation Agency)

11/17/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

The meeting adjourned at 4:56 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, December 9, 2008 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Maufas, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Maxwell, Campos	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty	1st and 3rd Thursday 10:00 AM

GOVERNMENT
DOCUMENTS DEPT

DEC 11 2008

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PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, David Campos, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll all Supervisors were noted present.

There was a quorum present.

COMMUNICATIONS

Angela Calvillo, Clerk of the Board informed the Board members she was in receipt of a communication from Mayor Gavin Newsom indicating that he had appointed David Campos as District Supervisor 9.

Angela Calvillo, Clerk of the Board, informed the Board members she was in receipt of a communication from Mayor Gavin Newsom indicating that he had vetoed legislation contained in File No. 080658 which would prohibit the City from placing new advertising on street furniture. Consideration of the veto override will be at the December 16, 2008 Board meeting.

Angela Calvillo, Clerk of the Board, informed the Board members she was in receipt of a communication from John Arntz, Director of Elections, certifying that he had canvassed the votes as cast at the Consolidated General Election held on November 4, 2008.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

081328 [Recreation and Park Department - Marina Small Craft Harbor Fees]
Supervisor Alioto-Pier

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, Section 12.11 to increase the West Harbor berth rental fees in fiscal year 2012-2013, or upon completion of the West Harbor renovations.

FINALLY PASSED

081346 [Approving Contract for Security Services - $19,326,260]

Ordinance approving the contract between Guardsmark GP and the City and County of San Francisco to provide security services to the Human Services Agency for a one year term with four automatic extensions of one year each for a total cost not to exceed $19,326,260 and also providing that Guardsmark may terminate the contract at the end of any year by providing appropriate notice. (Human Services Department)

(Fiscal Impact.)

FINALLY PASSED

Recommendation of the City Operations and Neighborhood Services Committee

081219 [Gift - Department of Public Health, Community Behavioral Health Services - $800,000]

Resolution authorizing the Department of Public Health, Community Behavioral Health Services to retroactively accept a gift of Buprenorphine medication from Reckitt Benckiser Pharmaceuticals with a monetary value of up to $800,000 for the period of October 1, 2008 through September 30, 2009 for ongoing and new patients receiving Opiate Replacement Treatment in San Francisco. (Public Health Department)

ADOPTED

Recommendations of the Government Audit and Oversight Committee

080379 [Regulating the conditions for purchasing prior public service credit through the Retirement System]

Supervisor Elsbernd

Ordinance amending Administrative Code Sections 16.55-1 through 16.55-4 and 16.61-5 to allow miscellaneous members of the San Francisco Employees' Retirement System to purchase credit for prior public service at any time before retirement, to require the Retirement System to calculate the cost to purchase that service credit based on the normal cost percentage for that service as determined by the actuary, to require the member to pay for all of the normal cost for the service credit, to allow eligible members to choose to receive prorated service credit if they terminate an installment agreement to purchase prior public service, to allow the Retirement System to accept rollovers to pay for public service purchases, and to conform to changes in the applicable law and Retirement System practices.

FINALLY PASSED

081286 [Authorizing the Real Estate Division to perform and award contracts for public work under a specified procedure]

Supervisor Peskin

Ordinance adding San Francisco Administrative Code Chapter 6, Section 6.70, to authorize the Real Estate Division to perform and award contracts for facilities public work through competition among a pre-qualified pool of contractors.

FINALLY PASSED

081383 **[Transferring the powers and duties of the Taxi Commission to the Municipal Transportation Agency and setting operative date for transfer]**
Supervisor Peskin

Ordinance amending the San Francisco Police Code by adding Section 1075.1, to transfer the powers and duties of the Taxi Commission to the Municipal Transportation Agency, and setting an operative date for the transfer.

FINALLY PASSED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

081283 **[Approving an Amendment to the Western Addition A-2 Redevelopment Plan to Extend the Redevelopment Agency's Time for Issuing and Repaying Debt and to Suspend the Limit on Total Tax Increment Revenue for Affordable Housing Development]**
Supervisor Mirkarimi

Ordinance approving an amendment to the Western Addition A-2 Redevelopment Plan to extend both the time for issuance of debt and the receipt of tax increment by the San Francisco Redevelopment Agency and to suspend the limit on the total number of dollars of tax increment revenue that may be received by the San Francisco Redevelopment Agency under the Plan in order to continue financing Low and Moderate Income Housing Fund activities under the Plan.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Budget and Finance Committee Without Recommendation

080846 **[Limit on non-profit executive director salaries funded by City grants or contracts]**
Supervisors McGoldrick, Daly

Ordinance limiting the use of City funds for non-profit executive director salaries.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Land Use and Economic Development Committee Without Recommendation

061438 **[Public Works Code - Sidewalk flower-vending stands]**
Supervisor McGoldrick

Ordinance amending Public Works Code Sections 156, 157, 159, 160, 161, 162, and 163 to clarify application requirements, to add operating conditions for such stands and establish an abandonment period, to establish an annual public right-of-way occupancy fee, to delete provisions regarding permit assignment to family members of the permittee, to change the criminal penalty for violations from a misdemeanor to an infraction, and to establish administrative penalties for violations; and adding Section 165 concerning the establishment of new sidewalk flower-vending stand locations, including permit application fees.

NOT PASSED ON FIRST READING by the following vote:
Ayes: 5 - Campos, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 6 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Mirkarimi

Privilege of the Floor

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to Mayor Gavin Newson to address the Board members on the mid-year proposed budget cuts for the FY 2008-09. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Land Use and Economic Development Committee

081232 **[Zoning - Requiring a Conditional Use Permit for Formula Retail Uses in the Residential-Commercial Combined Medium Density (RC-3) and Residential-Commercial Combined High Density (RC-4) Districts]**
Supervisor McGoldrick

Ordinance amending the Planning Code by amending Section 209.9, to require a conditional use permit for formula retail uses in the Residential-Commercial Combined Medium Density (RC-3) and Residential-Commercial Combined High Density (RC-4) Districts; and adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

FINALLY PASSED by the following vote:
Ayes: 7 - Campos, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Supervisor Daly was previously excused from voting on File Nos. 081152, 081153, 081154 and 081155.

081152 **[Approving General Plan Amendments Related to the Eastern Neighborhoods Area Plans - the Mission, East SoMa, Showplace Square/Potrero Hill and Central Waterfront Area Plans]**

Ordinance amending the San Francisco General Plan by adding four new area plans, entitled the Mission Area Plan, the East South of Market (East SoMa) Area Plan, the Showplace Square/Potrero Hill Area Plan and the Central Waterfront Area Plan and approving General Plan amendments to implement the four aforementioned Eastern Neighborhoods Area Plans by amending the Commerce and Industry and Recreation and Open Space Elements, the Land Use Index, and the South of Market, Northeastern Waterfront, and Central Waterfront Area Plans; making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1. (Planning Department)

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

081153 **[Planning Code Amendments for the Eastern Neighborhoods Area Plans]**

Ordinance amending the San Francisco Planning Code by adding and amending various sections to implement the four Eastern Neighborhood Area Plans comprised of the East SoMa, the Mission, the Showplace Square/Potrero Hill, and the Central Waterfront Area Plans; adopting in-lieu fees for on-site open space, trees, and affordable housing; adopting the Eastern Neighborhoods impact fee subject to certain restrictions; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Planning Department)

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

081154 [Zoning Map Amendments in connection with the Eastern Neighborhoods Area Plans]

Ordinance amending Zoning Map Sheets ZN01, ZN07, ZN08, HT01, HT07, HT08 and SU08 of the City and County of San Francisco Planning Code with revised use districts and height and bulk districts within the four Eastern Neighborhoods Planning Areas comprised of the East South of Market, Mission, Showplace Square/Potrero Hill and Central Waterfront Area Plans; and creating three four five four special use districts for Life Science and Medical Special Use District bounded generally by Mariposa Street to the north, Illinois Street to the West, Iowa Street to the East, and 23rd Street to the South; for Innovative Industries Incubator Special Use District bounded generally by 3rd Street to the West, Illinois Street to the east, 20th Street to the north and 23rd Street to the South; for Transit Oriented Retail Special Use District on 16th Street bounded generally by Capp Street to the East, Potrero Avenue to the West, 15th Street to the North and 17th Street to the South; for Restricted Integrated PDR Special Use District bounded generally by Cesar Chavez Street to the South, Pennsylvania and Iowa Streets to the West, 23rd Street to the North and Michigan and Maryland Streets to the East; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Department)

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved to sever Parcel Nos. 3595-024 and 3616-007 with a 85 ft designation height limit. (See File Nos. 081589)

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandovál
Excused: 1 - Daly

081589 [Eastern Neighborhoods Zoning Map - height district for Mission Street theater properties]

Ordinance amending the San Francisco Zoning Map by amending the height district designation for Assessor's Block 3595, Lot 024 on Mission Street between 19th and 20th Streets and Assessor's Block 3616, Lot 007 on Mission Street between 21st and 22nd Streets to 65-X/85-X; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Planning Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, Sandoval
Noes: 4 - Campos, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Daly

081155 [Eastern Neighborhoods Area Plans - monitoring program, CAC, integrated PDR TIDF fee]

Ordinance amending the Administrative Code Chapter 10E to establish the Eastern Neighborhoods Monitoring Program for purposes of reviewing the effectiveness of the Eastern Neighborhoods Area Plans and implementation of specified improvements, the Integrated PDR Reporting program, and the Eastern Neighborhoods Citizens Advisory Committee; amending Administrative Code Chapter 38, Sections 38.1, 38.3, and 38.10 to create a Transit Impact Development Fee for Integrated PDR; and adopting environmental findings. (Planning Department)

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

081333 [Zoning - SoMa Youth and Family Special Use Districts]
Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by adding Section 249.41 and amending various sheets of the Zoning Map of the City and County of San Francisco to establish the South of Market (SoMa) Youth and Family Special Use District, bounded generally by Natoma Street on the north, Harrison Street on the south, 4th Street on the east, and 7th Street on the west, to address youth and family concerns and expand affordable housing opportunities, including establishment of in-lieu affordable housing fees; and adopting environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1(b).

(Economic Impact.)

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved to sever Assessor Blocks 3727, 3730 and 3755. Supervisor Dufty withdrew his motion to sever this item.

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

081334 [Zoning - Potrero Center Mixed-Use Special Use District]
Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by adding Section 249.40 and amending Sheet SU08 of the Zoning Map of the City and County of San Francisco to establish the Potrero Center Mixed-Use Special Use District for the existing shopping center at 2300 16th Street between Bryant Street and Potrero Avenue (Assessor's Block 3930A Lot 002); and adopting environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1(b).

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

081339 [Zoning - Publicly-owned properties in the Eastern Neighborhoods]
Supervisor Peskin

Ordinance amending the Zoning Map of the City and County of San Francisco to rezone various publicly-owned properties in the Eastern Neighborhoods Plan Area to a "P" (Public) zoning district; and adopting environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1(b).

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

NEW BUSINESS

Recommendations of the Budget and Finance Committee

081440 [De-Appropriating $998,145 of General Fund and $761,021 of Federal Direct Grant Revenue for the Community Justice Center for FY 2008-2009]
Supervisors Daly, McGoldrick

Ordinance de-appropriating $998,145 of General Fund in the Mayor's Office of Community Justice and $761,021 of Federal Direct Grant Revenue in the Department of Public Health for the Community Justice Center in Fiscal Year 2008-2009.

(Fiscal Impact.)
(Supervisor Elsbernd dissented in committee.)

Supervisor Sandoval was previously excused from voting on this matter.

Continued to December 16, 2008.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FIRST READING. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081449 [Changes to the Payroll Expense Tax exclusion for clean energy technology businesses]
Supervisors McGoldrick, Maxwell

Ordinance amending San Francisco Business and Tax Regulations Code by amending Article 12-A, Section 906.2 to expand eligibility for the clean technology payroll tax exclusion to include carbon trading, solar panel and other clean technology research and development-related businesses, and to include businesses with fewer than ten employees.

(Economic Impact)

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Ordinance amending San Francisco Business and Tax Regulations Code by amending Article 12-A, Section 906.2 to expand eligibility for the clean technology payroll tax exclusion to include solar panel and other clean technology research and development-related businesses, and to include businesses with fewer than ten employees.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 2 - Daly, Peskin

081453 **[Appropriating $1,923,629,194 of Water Revenue Bond proceeds for the Water System Improvement Program in the Public Utilities Commission for Fiscal Year 2008-2009]**

Mayor

Ordinance appropriating $1,923,629,194 of San Francisco Water Revenue Bond authorized in 2002 to fund construction and financing costs for the San Francisco Public Utilities Commission (SFPUC) Water System Improvement Program (WSIP) for Fiscal Year 2008-2009, placing the entire appropriation by project on Controller's reserve subject to SFPUC and Board of Supervisors' discretionary approvals following completion of project-related analysis pursuant to California Environmental Quality Act (CEQA), where required, and receipt of proceeds of indebtedness, adopting environmental findings, placing on Budget and Finance Committee reserve any project in excess of $100,000,000 and authorizing the increase of the Water Commercial Paper Program from $250,000,000 to $500,000,000 to facilitate projected WSIP financing needs.

(Fiscal Impact.)

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081499 **[Accept and Expend FY 08 Urban Areas Security Initiative Grant and Amend Annual Salary Ordinance, FY 2008-2009 - $29,724,000]**

Supervisor Alioto-Pier

Ordinance authorizing the Department of Emergency Management (DEM), on behalf of the City and County San Francisco as the primary grantee for the combined Bay Area Urban Area ("Super UASI" or "SUASI") region and as the fiscal agent for the SUASI Approval Authority, to retroactively accept and expend an Urban Areas Security Initiative ("UASI") grant in the amount of $29,724,000 from the United States Department of Homeland Security, through the California Governor's Office of Homeland Security; amending Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) to reflect the addition of two grant-funded positions in the Department of Emergency Management.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081500 [Obtain, Accept and Expend Federal Interoperable Emergency Communications Program Grant and Amend Annual Salary Ordinance, FY 2008-2009 - $1,374,422]
Supervisor Alioto-Pier

Ordinance authorizing the Department of Emergency Management (DEM), as primary grantee and fiscal agent for the Capitol-Bay Planning Area, to obtain, accept and expend an Interoperable Emergency Communications Program Grant (IECGP) award in the amount of $1,374,422 from the United States Department of Homeland Security (DHS), through the California Office of Homeland Security (OHS), for the period October 6, 2008 to May 31, 2010, and amending Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) to reflect the addition of one grant-funded position (0.50 FTE - 0931 Manager III) in the Department of Emergency Management.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080946 [Airport Concession Lease]

Resolution approving the Lease Agreements for the Rental Car Center Operations between The Hertz Corporation; Avis Budget Car Rental, LLC; EAN, LLC; DTG Operations, Inc.; and Fox Rent a Car, Inc., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081359 [Increasing the Golden Gate Petroleum contract dollar from less than $10 million to less than $20 million]

Resolution approving the Second Amendment to the Agreement between the City and Golden Gate Petroleum as a supplier of gasoline and diesel fuel, increasing the contract's dollar amount from less than $10 million to $20 million, pursuant to Charter Section 9.118(b). (Office of Contract Administration)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081361 [Raising the contract's not-to-exceed amount, between the CCSF and Firestone-Bridgestone for rental bus tires, to an amount not the exceed $11,010,000]

Resolution approving the Fourth Amendment to the Agreement between the City and County of San Francisco (City) and Firestone-Bridgestone (Contractor) for rental of bus tires, increasing the contract's not-to-exceed amount to more than $10 million, pursuant to San Francisco Charter Section 9.118(b). (Office of Contract Administration)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081371 **[Amendment to Lease of Real Property at 3119 Mission Street]**

Resolution authorizing the Amendment to Lease at 3119 Mission Street for the Human Services Agency. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081373 **[Agreement for the Reimbursement for Interim Assistance Payments Pursuant to Section 1631(g) of the Social Security Act]**

Resolution authorizing the renewal of Resolution 791-89 between the City and County of San Francisco and the State of California Department of Social Services for the purpose of assuring the availability of reimbursement to the City and County by the Secretary of Health and Human Services for the interim assistance paid to Social Security Income Program (SSI)/ State Supplementary Payment (SSP) Applicants. (Human Services Department)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081416 **[Approving Seven Technology Store Contracts pursuant to Charter Section 9.118(b)]**
Supervisor Dufty

Resolution approving the award of seven contracts for Technology Store purchases pursuant to San Francisco Charter Section 9.118(b).

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the City Operations and Neighborhood Services Committee

081009 **[Prohibiting smoking in taxicabs and motor vehicles for hire and free distribution of tobacco products and accessories in places open to the public]**
Supervisor Maxwell

Ordinance amending the San Francisco Health Code by amending Section 1009.22 and amending the San Francisco Police Code by amending Section 1143 and repealing Sections 53, 53.1, and 1098, to prohibit smoking in taxicabs and other motor vehicles for hire, and amending San Francisco Police Code Section 95, to prohibit the free distribution of tobacco products and accessories in places open to the public.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081250 [Massage practitioner requirements]
Supervisor Dufty

Ordinance amending Section 1902 of the San Francisco Health Code by changing the requirement that massage practitioners obtain a certificate of graduation to a certificate of completion verifying at least 100 hours of massage instruction.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081405 [2008 Hazard Mitigation Plan]
Mayor, Supervisor Alioto-Pier

Resolution adopting the 2008 City and County of San Francisco Hazard Mitigation Plan.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Land Use and Economic Development Committee

081202 [Interim Zoning Requiring Conditional Use Authorization for Change in Use or Reduction of 15,000 square feet or more of Recreational Space]
Supervisor Daly

Resolution imposing interim zoning controls establishing a requirement for conditional use authorization for a change in use or reduction in size of any recreational space of 15,000 square feet or more including indoor or outdoor facilities for a six (6) month period and making a determination of consistency with the priority policies of Planning Code Section 101.1.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081446 [Eastern Neighborhoods MOU]
Supervisor Maxwell

Resolution approving a Memorandum of Understanding between City departments relating to the planning of various capital projects in the Eastern Neighborhoods Plan Area, subject to the approval of the affected City departments and commissions; establishing an Eastern Neighborhoods Infrastructure Finance Working Group; and making findings under the California Environmental Quality Act.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081276 **[Real Property Lease Amendment and Sale - 875 Stevenson Street]**

Resolution approving a third amendment to the City's lease at 875 Stevenson Street and approving the sale of a portion of Stevenson Street between 9th and 10th Streets to 1355 Market Street Associates, L.P. following the vacation of such portion of Stevenson Street; and finding the sale and improvement of the Stevenson Street Property is consistent with the City's General Plan and with the Eight Priority Policies of City Planning Code Section 101.1, and is categorically exempt from environmental review under the California Environmental Quality Act. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Land Use and Economic Development Committee Without Recommendation

081088 **[Requirement of Conditional Use Authorization for any permit application to remove dwelling units]**
Supervisor McGoldrick

Ordinance amending the Planning Code by amending Section 317 to require Conditional Use Authorization for any elimination of existing dwelling units through mergers, conversions, or demolitions of residential units.

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Campos, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

SPECIAL ORDER 3:00 P.M.

081463 **[Public Hearing - Appeal of Minor Sidewalk Encroachment for 1335 Stanyan Street]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works, by its letter dated November 14, 2008, disapproving a Minor Sidewalk Encroachment Permit No. 07MSE-0012 to construct and maintain an "L" shaped partition fence encroaching 12" into the unimproved right-of-way of Stanyan Street to hide garbage and recycling cans from view on Clarendon Avenue. (Appellant: Pennie Sempell)

(Filed November 24, 2008; companion measure to Files 081464, 081465; District 7.)

The President inquired as to whether any member of the public wished to address the Board.
John Quong, Representative of the Department of Public Works
Pennie Sempell, Appellant
Male speaker; opposed to the appeal
Male speaker; opposed to the appeal
Richard Margessa; opposed to the appeal
Linda Lyons; opposed to the appeal
Female speaker; opposed to the appeal
Lee Sealy; opposed to the appeal
Female speaker; support of the appellant
Pennie Sempell; Appellant - Rebuttal Period

Heard at public hearing.
The President declared the public hearing closed.
FILED.

(Only one of the following two motions should be approved.)

081464 **[Minor Sidewalk Encroachment Permit Appeal - 1335 Stanyan Street]**

Motion disapproving the decision of the Department of Public Works' denial of an encroachment permit for 1335 Stanyan Street and granting an encroachment permit.

Supervisor Elsbernd moved to amend the Department of Public Works encroachment permit with certain conditions.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081465 **[Minor Sidewalk Encroachment Permit Appeal - 1335 Stanyan Street]**

Motion affirming the Director of Public Works' denial of an encroachment permit for 1335 Stanyan Street and denying an encroachment permit.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Dufty introduced, welcomed and presented a Certificate of the Honor to Scott Hall.

Supervisor McGoldrick introduced, welcomed and presented a Certificate of the Honor to Amber Crouch, Planning Department.

Supervisor Elsbernd introduced, welcomed and presented a Certificate of Honor to Members of the Irish Gaelic Athletic Association in appreciation of the dedication of the athletic fields in Treasure Island.

SPECIAL ORDER 4:00 P.M.

081420 [Public Hearing - Conditional Use Appeal for 299 Valencia Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 17739 dated November 6, 2008, relating to the approval of a Conditional Use Authorization (Case No. 2006.0432CV), under Planning Code Sections 121.1, 151.1 and 303 to allow a large-lot mixed-use development providing up to 25 off-street residential parking spaces and 2 car share spaces in an NCT-3 (Moderate-Scale Neighborhood Commercial Transit District) Zoning District and a 50-X Height and Bulk District on property located at 299 Valencia Street, Lot 014 in Assessor's Block No. 3532. (Filed by Jason Henderson on behalf of the Hayes Valley Neighborhood Association and subscribed by Supervisors Peskin, Ammiano, Maxwell, Daly and Mirkarimi)

The President inquired as to whether any member of the public wished to address the Board.
Continued January 6, 2009.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the conditional use application decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

081421 [Approving Planning Commission decision related to Conditional Use Appeal for 299 Valencia Street]

Motion approving decision of the Planning Commission by its Motion No. 17739, approving Conditional Use Application 2006.0432CV on property located at 299 Valencia Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to January 6, 2009

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081422 [Disapproving Planning Commission decision related to Conditional Use Appeal for 299 Valencia Street]

Motion disapproving decision of the Planning Commission by its Motion No. 17739, approving Conditional Use Application 2006.0432CV on property located at 299 Valencia Street. (Clerk of the Board)

Continued to January 6, 2009

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081423 [Preparation of findings related to the Conditional Use Appeal for 299 Valencia Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2006.0432CV on property located at 299 Valencia Street, for action by the Board at its next meeting. (Clerk of the Board)

Continued to January 6, 2009

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

COMMITTEE REPORTS

081230 **[Medical Cannabis Dispensary Permits]**
Supervisor Daly

Ordinance amending Section 3308 of the San Francisco Health Code to include the installation of platform lifts under the minimum disability access standards for Medical Cannabis Dispensaries.

Supervisor Daly, seconded by Supervisor Alioto-Pier, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081424 **[Appointment, Public Utilities Commission - Juliet Ellis]**

Motion confirming the Mayor's appointment of Juliet Ellis to the Public Utilities Commission, Seat 2, for the term ending August 1, 2010. (Mayor)

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081308 **[Confirming the appointment of Helen Nigg to the Treasure Island Development Authority Board of Directors]**

Motion confirming the appointment of Helen Nigg to the Treasure Island Development Authority Board of Directors for a four-year term ending September 11, 2010. (Mayor)

Amended by changing the date from "September 11, 2010" to "April 28, 2010."

Supervisor Daly, seconded by Supervisor Dufty, moved that this Motion be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Motion confirming the appointment of Helen Nigg to the Treasure Island Development Authority Board of Directors for a four-year term ending April 28, 2010. (Mayor)

APPROVED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081444 **[Establishing the San Francisco Self-Insurance Surety Bond Fund and Setting Standards Governing Deposits into the Fund]**

Supervisors Maxwell, Alioto-Pier, Daly, Dufty, Sandoval, Elsbernd, Mirkarimi, Peskin

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-317, establishing the San Francisco Self-Insurance Surety Bond Fund, contributions thereto, and use of said Fund.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081443 **[Annual Contributions to the San Francisco Self-Insurance Surety Bond Fund]**

Supervisors Maxwell, Alioto-Pier, Daly, Dufty, Sandoval, Elsbernd, Mirkarimi, Peskin

Ordinance amending the San Francisco Bonding and Financial Assistance Program to require annual contributions to the San Francisco Self-Insurance Surety Bond Fund.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081450 **[Real Property Transfer Tax - Change of delinquency date; substitution of references to current laws; conform partnership rule to state law changes; elimination of tax stamp provision and Transfer Tax Review Board]**

Supervisor Peskin

Ordinance amending Sections 1106, 1108, 1108.4,1115, 1115.1 and 1115.3 and deleting Sections 1109, and 1115.2 of Article 12-C of the Business and Tax Regulations Code to (1) change delinquency date; (2) replace references to prior bankruptcy, income tax, and local laws with references to current laws; (3) conform rule for partnership interest transfers to state law changes; (4) eliminate obsolete provision regarding documentary tax stamps; and (5) eliminate Transfer Tax Board of Review and references to that Board.

Continued to December 16, 2008

Supervisor Elsbernd, seconded by Supervisor McGoldrick, moved that this Ordinance be CONTINUED ON FIRST READING. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081451 **[Property Tax Refund Claim Processing]**

Supervisor Peskin

Ordinance to amend Administrative Code Section 10.2 to delegate to City Attorney the authority to grant or deny property tax refund claims and to establish administrative rules and procedures for City Attorney to follow.

Continued to December 16, 2008

Supervisor Elsbernd, seconded by Supervisor McGoldrick, moved that this Ordinance be CONTINUED ON FIRST READING. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081414 [Reaffirming and Restating Finding of Fiscal Feasibility for the revised Exploratorium Project at Piers 15/17 and Finding of Lease Exemption from Competitive Bidding Policy; Endorsing Amended and Restated Term Sheet]

Resolution reaffirming and restating the Board of Supervisor's prior findings that the revised Exploratorium Project at Piers 15/17 is fiscally feasible and responsible pursuant to Administrative Code Chapter 29 and is exempt from the competitive bidding policy set forth in Administrative Code Section 2.6-1, and endorsing the Amended and Restated Term Sheet between the Exploratorium and the San Francisco Port Commission. (Port)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081447 [Accept-Expend State Grant - Southeast Community Response Network - $402,457]

Supervisor Maxwell

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $402,457 through the United States Department of Justice, for a program entitled "Southeast Community Response Network" for fiscal year July 2006 through June 2010.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081448 [Juvenile Probation and Camp Funding Grant Program]

Supervisor Maxwell

Resolution authorizing the Juvenile Probation Department to participate in the State of California's Juvenile Probation and Camp Funding Program, to receive funds for direct services to eligible children and their families.

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Resolution be RE-REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080520 [Below Market Rate Condominium Conversion Program]
Mayor, Supervisor McGoldrick

Ordinance amending the San Francisco Subdivision Code by adding Section 1344 to update and clarify the provisions relating to Below Market Rate Units under the Condominium Conversion Program including provisions related to the calculation of sales price, renting, capital improvements, duration and monitoring of affordability, marketing, and ongoing regulations and the provisions relating to Original Subdividers who rent their Units; providing for alternatives for compliance with the ordinance; and amending Sections 1308, 1309, 1341, 1341B, 1343, 1359, and 1385 to make conforming changes, and making findings including findings under the California Environmental Quality Act (CEQA).

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved an amendment of the whole.
Motion to amend failed by the following vote:
Ayes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Sandoval
Noes: 6 - Campos, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Alioto-Pier, Campos, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Daly, Sandoval

Supervisor McGoldrick, seconded by Supervisor Maxwell, moved to rescind the previous vote.
Motion to rescind the previous vote passed without objection.

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 9 - Alioto-Pier, Campos, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Daly, Sandoval

081100 [Zoning - Providing for a Five Feet Special Height Exception for Active Ground Floor Uses in the NC-2 and NC-3 Designated Parcels fronting Mission Street, from Silver Avenue to the Daly City border]
Supervisor Sandoval

Ordinance amending the San Francisco Planning Code by amending Section 263.20 to provide for a special height exception for ground floor uses in the Neighborhood Commercial Districts; amending Sections 703.1, 710.1, 711.1, 712.1, 713.1, 715.1, 716.1, 717.1, 718.1, 719.1, 720.1, 721.1, 723.1, 724.1, 725.1, 726.1, 727.1, 728.1, 729.1, 730.1, 731.1, 732.1, to refer to this special height exception; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081513 [Limited Equity Housing Cooperative Conversions]
Supervisors Peskin, Mirkarimi

Ordinance amending the Subdivision Code by adding Article 11, consisting of Sections 1399.1 through 1399.22, to create a method for Limited Equity Housing Cooperatives to convert existing residential buildings to limited-equity housing cooperatives, and making findings including findings under the California Environmental Quality Act.

Supervisor Mirkarimi requested to be added as a co-sponsor.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library
Richard McRee; expressed concern with issues relating to his patent for the design of Sigmund Stern Grove
Robert Louie Smith; speaker; expressed concern with health issues in San Francisco
Walter; shared with the Board certain memorabilia
Mike Catrellis; expressed concern with issues relating to the passage of Prop 8

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

081528 [Mortgage Credit Certificates]
Supervisor Chu

Resolution authorizing an application to the California Debt Limit Allocation Committee to permit the issuance of Mortgage Credit Certificates.

ADOPTED

081529 [Accept-Expend Federal Pass Through Grant - Asian Women's Shelter - $10,000]
Supervisor Chu

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to accept and expend a grant in the amount of $10,000 from the Asian Women's Shelter, allocated through the Office on Violence Against Women, Office of Justice Programs (OVW), to assist Asian and Pacific Islander (API) victims of domestic violence for fiscal year 2008-2010.

ADOPTED

081277 [Final Map - 420-428 Vallejo Street]
Motion approving Final Map 4304, a 5 Unit Residential Condominium Project, located at 420 – 428 Vallejo Street being a subdivision of Lot 013 in Assessors Block No. 0133 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,926; District 3.)

081354 [Declaration of Election Results - November 4, 2008]
Supervisor Peskin

Resolution declaring the results of the November 4, 2008 General Election.

ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed from the Without Reference to Committee Reference

Supervisor Peskin requested that this matter be severed so that it might be considered separately.

081411 [Opposing location of proposed Presidio Fine Arts Museum]
Supervisor Peskin

Resolution declaring official City policy opposing preferred alternatives 2 and 2A in the San Francisco Presidio Trust's Draft Supplemental Environmental Impact Statement (DSEIS) that propose the construction of a large hotel and museum facility in the Presidio.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Resolution be TABLED. The motion FAILED by the following vote:
Ayes: 5 - Alioto-Pier, Chu, Elsbernd, Maxwell, Sandoval
Noes: 6 - Campos, Daly, Dufty, McGoldrick, Mirkarimi, Peskin

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved to refer this matter to Committee.

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved that this Resolution be REFERRED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081526 [Requesting California establish a Do Not Mail Registry]
Supervisors Mirkarimi, Dufty

Resolution urging the California State Legislature to establish a Do Not Mail Registry.

Continued to December 16, 2008.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081556 [Honoring Carl Friedman for over thirty years of leadership of the San Francisco Department of Animal Care and Control and Animal Welfare community]
Supervisor Dufty

Resolution honoring Carl Friedman for over thirty years of leadership of the San Francisco Department of Animal Care and Control and Animal Welfare community.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

081535 [Waiver of Administrative Code Sections 6.40 and 6.41 to allow award of agreement for program construction management services without a competitive procurement process]

Ordinance granting the San Francisco Public Utilities Commission a waiver of Administrative Code Sections 6.40 and 6.41 to allow award of Agreement No. CS-963, Program Construction Management Services, without a competitive procurement process. (Public Utilities Commission)

11/24/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

PROPOSED RESOLUTIONS

081484 [WSIP Agreement No. CS-917, San Joaquin Regional Construction Management Services]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to award and execute the Water System Improvement Program-funded Professional Service Agreement No. CS-917, San Joaquin Regional Construction Management Services, with PMA Consultants LLC to provide Construction Management Services for the San Joaquin Regional Projects, for an amount not to exceed $28,000,000, pursuant to San Francisco Charter Section 9.118. (Public Utilities Commission)

11/24/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081485 [WSIP Agreement No. CS-765, Parsons Water and Infrastructure]

Resolution approving Amendment No. 2 to Agreement No. CS-765, San Francisco Water System Improvement Program – Program/Project/Pre-Construction Management Services with Parsons Water and Infrastructure. (Public Utilities Commission)

11/24/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081536 [WSIP Agreement No. CS-963, Program Construction Management Services]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute the Water System Improvement Program-funded Agreement No. CS-963, Program Construction Management Services, with AECOM WATER, for an amount not to exceed $26,000,000 with a term of up to seven (7) years, pursuant to San Francisco Charter Section 9.118, if the Board of Supervisors has approved an ordinance waiving procurement requirements of San Francisco Administrative Code Sections 6.40 and 6.41, and that ordinance is effective. (Public Utilities Commission)

11/24/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 5:46 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, December 16, 2008 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Maufas, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Campos, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty	1st and 3rd Thursday 10:00 AM

GOVERNMENT
DOCUMENTS DEPT

DEC 18 2008

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PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, David Campos, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:11 p.m. On the call of the roll all Supervisors were noted present.

There was a quorum present.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to approve the Board Meeting Minutes of November 4, 2008 and November 18, 2008. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

AGENDA CHANGES

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

081283 [Approving an Amendment to the Western Addition A-2 Redevelopment Plan to Extend the Redevelopment Agency's Time for Issuing and Repaying Debt and to Suspend the Limit on Total Tax Increment Revenue for Affordable Housing Development]

Supervisor Mirkarimi

Ordinance approving an amendment to the Western Addition A-2 Redevelopment Plan to extend both the time for issuance of debt and the receipt of tax increment by the San Francisco Redevelopment Agency and to suspend the limit on the total number of dollars of tax increment revenue that may be received by the San Francisco Redevelopment Agency under the Plan in order to continue financing Low and Moderate Income Housing Fund activities under the Plan.

FINALLY PASSED

081499 [Accept and Expend FY 08 Urban Areas Security Initiative Grant and Amend Annual Salary Ordinance, FY 2008-2009 - $29,724,000]
Supervisor Alioto-Pier

Ordinance authorizing the Department of Emergency Management (DEM), on behalf of the City and County San Francisco as the primary grantee for the combined Bay Area Urban Area ("Super UASI" or "SUASI") region and as the fiscal agent for the SUASI Approval Authority, to retroactively accept and expend an Urban Areas Security Initiative ("UASI") grant in the amount of $29,724,000 from the United States Department of Homeland Security, through the California Governor's Office of Homeland Security; amending Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) to reflect the addition of two grant-funded positions in the Department of Emergency Management.

FINALLY PASSED

081500 [Obtain, Accept and Expend Federal Interoperable Emergency Communications Program Grant and Amend Annual Salary Ordinance, FY 2008-2009 - $1,374,422]
Supervisor Alioto-Pier

Ordinance authorizing the Department of Emergency Management (DEM), as primary grantee and fiscal agent for the Capitol-Bay Planning Area, to obtain, accept and expend an Interoperable Emergency Communications Program Grant (IECGP) award in the amount of $1,374,422 from the United States Department of Homeland Security (DHS), through the California Office of Homeland Security (OHS), for the period October 6, 2008 to May 31, 2010, and amending Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) to reflect the addition of one grant-funded position (0.50 FTE - 0931 Manager III) in the Department of Emergency Management.

FINALLY PASSED

Recommendations of the Government Audit and Oversight Committee

081443 [Annual Contributions to the San Francisco Self-Insurance Surety Bond Fund]
Supervisors Maxwell, Alioto-Pier, Daly, Dufty, Sandoval, Elsbernd, Mirkarimi, Peskin, Campos

Ordinance amending the San Francisco Bonding and Financial Assistance Program to require annual contributions to the San Francisco Self-Insurance Surety Bond Fund.

(Fiscal Impact.)

FINALLY PASSED

081444 [Establishing the San Francisco Self-Insurance Surety Bond Fund and Setting Standards Governing Deposits into the Fund]
Supervisors Maxwell, Alioto-Pier, Daly, Dufty, Sandoval, Elsbernd, Mirkarimi, Peskin, Campos

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-317, establishing the San Francisco Self-Insurance Surety Bond Fund, contributions thereto, and use of said Fund.

(Fiscal Impact.)

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

081009 **[Prohibiting smoking in taxicabs and motor vehicles for hire and free distribution of tobacco products and accessories in places open to the public]**
Supervisor Maxwell

Ordinance amending the San Francisco Health Code by amending Section 1009.22 and amending the San Francisco Police Code by amending Section 1143 and repealing Sections 53, 53.1, and 1098, to prohibit smoking in taxicabs and other motor vehicles for hire, and amending San Francisco Police Code Section 95, to prohibit the free distribution of tobacco products and accessories in places open to the public.

FINALLY PASSED

081250 **[Massage practitioner requirements]**
Supervisor Dufty

Ordinance amending Section 1902 of the San Francisco Health Code by changing the requirement that massage practitioners obtain a certificate of graduation to a certificate of completion verifying at least 100 hours of massage instruction.

FINALLY PASSED

081379 **[Accept gift to the Fire Department - $15,938]**
Resolution accepting a gift to the Fire Department from the Fireman's Fund Insurance Company Heritage Program of mask fit equipment and non-permeable emergency medical bags valued at $15,938. (Fire Department)

ADOPTED

081441 **[Grant to support Cesar Chavez Street streetscape improvements - $711,296]**
Supervisors Dufty, Campos

Resolution authorizing the San Francisco Planning Department to accept and expend $711,296 from the California Department of Housing and Community Development for pedestrian safety, traffic calming, and stormwater improvements along Cesar Chavez Street.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

Recommendation of the Land Use and Economic Development Committee

081100 **[Zoning - Providing for a Five Feet Special Height Exception for Active Ground Floor Uses in the NC-2 and NC-3 Designated Parcels fronting Mission Street, from Silver Avenue to the Daly City border]**
Supervisor Sandoval

Ordinance amending the San Francisco Planning Code by amending Section 263.20 to provide for a special height exception for ground floor uses in the Neighborhood Commercial Districts; amending Sections 703.1, 710.1, 711.1, 712.1, 713.1, 715.1, 716.1, 717.1, 718.1, 719.1, 720.1, 721.1, 723.1, 724.1, 725.1, 726.1, 727.1, 728.1, 729.1, 730.1, 731.1, 732.1, to refer to this special height exception; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

FINALLY PASSED

Recommendations of the Rules Committee

081477 **[Settlement of Lawsuit - Laurent Katgely, et al. v. CCSF, et al. (C. Spencer) - $67,000]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Chez Spencer, a partnership, against the City and County of San Francisco for $67,000; the lawsuit was filed on December 8, 2004 in San Francisco Superior Court, Case No. 436942; entitled Laurent Katgely, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

081478 **[Settlement of Lawsuit - Jane Martin, et al. v. CCSF, et al. (IMG Home) - $500,000]**
Ordinance authorizing settlement of the portion of the lawsuit filed by IMG Home Corporation against the City and County of San Francisco for $500,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

081479 **[Settlement of Lawsuit - Jane Martin, et al. v. CCSF, et al. (N. Quimson) - $45,000]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Noreen Quimson against the City and County of San Francisco for $45,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

081480 **[Settlement of Claim - SFD Union Square, LLC - $40,000]**
Resolution approving the settlement of unlitigated claim of SFD Union Square, LLC dba Sir Francis Drake Hotel against San Francisco for $40,000; claim was filed on August 25, 2008. (City Attorney)

ADOPTED

081501 **[Settlement of Administrative Civil Liability Complaint - $64,000]**
Supervisor Peskin

Resolution approving the settlement of the unlitigated administrative civil liability complaint filed by the San Francisco Bay Regional Water Quality Control Board against San Francisco imposing a penalty of $64,000; and alternatively approving an environmental mitigation project, subject to approval of the Regional Board Water Quality Control Board, in an amount not to exceed $32,000, plus payment of a $32,000 penalty.

ADOPTED

081112 **[Appointment, Biodiesel Access Task Force - Shannon Devine]**
Motion appointing Shannon Devine, term ending December 31, 2009, to the Biodiesel Access Task Force.

APPROVED

081427 **[Appointments, Ballot Simplification Committee - June Fraps, Betty Packard and Adele Fasick]**
Motion appointing June Fraps, Betty Packard and Adele Fasick, terms ending November 30, 2010, to the Ballot Simpilification Committee.

APPROVED

081431 **[Appointments, Urban Forestry Council - John Malcolm Hillan and Jocelyn Cohen]**

Motion appointing John Malcolm Hillan and Jocelyn Cohen, terms ending November 18, 2010, to the Urban Forestry Council.

APPROVED

081483 **[Appointment, Immigrant Rights Commission - Ana Perez]**

Motion appointing Ana Perez, term ending June 6, 2009, to the Immigrant Rights Commission, residency requirement waived.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed from the Consent Agenda

Supervisor Mirkarimi requested that this matter be severed so that it might be considered separately.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved to rescind the vote on File No. 081426. Motion to rescind the previous vote on File No. 081426 passed without objection.

081426 **[Appointments, Market and Octavia Community Advisory Committee - Julian Davis, Carmela Gold, Peter Cohen, Brad Villers, Dennis Richards and Katherine Hodge]**

Motion appointing Julian Davis, Carmela Gold, Peter Cohen, Brad Villers, Dennis Richards and Katherine Hodge, for two-year terms, to the Market and Octavia Community Advisory Committee.

Amended by replacing the appointment of "Katherine Hodge" with the appointment of "Jason Henderson". New Title.

Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Motion be AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

Motion appointing Julian Davis, Carmela Gold, Peter Cohen, Brad Villers, Dennis Richards and Jason Henderson, for two-year terms, to the Market and Octavia Community Advisory Committee.

APPROVED AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

080658 [General advertising on City buildings and street furniture]
Supervisor McGoldrick

Ordinance amending the San Francisco Administrative Code by adding Section 4.20-1 to prohibit any new general advertising signs on street furniture over the number authorized as of January 1, 2008 and to prohibit new general advertising signs visible to the public on the exterior of City-owned buildings as of March 5, 2002; adopting environmental and other findings.

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override.
The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on December 5, 2008. Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before January 4, 2009.

NOT OVERTURN MAYORAL VETO by the following vote:
Ayes: 7 - Campos, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Recommendations of the Budget and Finance Committee

081449 [Changes to the Payroll Expense Tax exclusion for clean energy technology businesses]
Supervisor McGoldrick

Ordinance amending San Francisco Business and Tax Regulations Code by amending Article 12-A, Section 906.2 to expand eligibility for the clean technology payroll tax exclusion to include solar panel and other clean technology research and development-related businesses, and to include businesses with fewer than ten employees.

FINALLY PASSED by the following vote:
Ayes: 8 - Alioto-Pier, Campos, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi
Noes: 3 - Daly, Peskin, Sandoval

081453 [Appropriating $1,923,629,194 of Water Revenue Bond proceeds for the Water System Improvement Program in the Public Utilities Commission for Fiscal Year 2008-2009]
Mayor

Ordinance appropriating $1,923,629,194 of San Francisco Water Revenue Bond authorized in 2002 to fund construction and financing costs for the San Francisco Public Utilities Commission (SFPUC) Water System Improvement Program (WSIP) for Fiscal Year 2008-2009, placing the entire appropriation by project on Controller's reserve subject to SFPUC and Board of Supervisors' discretionary approvals following completion of project-related analysis pursuant to California Environmental Quality Act (CEQA), where required, and receipt of proceeds of indebtedness, adopting environmental findings, placing on Budget and Finance Committee reserve any project in excess of $100,000,000 and authorizing the increase of the Water Commercial Paper Program from $250,000,000 to $500,000,000 to facilitate projected WSIP financing needs.

(Fiscal Impact.)

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Appointment of President Pro Tempore

At the request of the President, Supervisor Campos assumed the Chair so the President could participate in the debate from the floor concerning the following item.

081440 **[De-Appropriating $998,145 of General Fund and $761,021 of Federal Direct Grant Revenue for the Community Justice Center for FY 2008-2009]**

Supervisors Daly, McGoldrick, Peskin

Ordinance de-appropriating $998,145 of General Fund in the Mayor's Office of Community Justice and $761,021 of Federal Direct Grant Revenue in the Department of Public Health for the Community Justice Center in Fiscal Year 2008-2009.

(Fiscal Impact.)
(Supervisor Elsbernd dissented in committee.)

Supervisor Sandoval was previously excused from voting on this matter.

Supervisor Peskin requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 6 - Campos, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd
Excused: 1 - Sandoval

Recommendations of the Government Audit and Oversight Committee

081450 **[Real Property Transfer Tax - Change of delinquency date; substitution of references to current laws; conform partnership rule to state law changes; elimination of tax stamp provision and Transfer Tax Review Board]**

Supervisor Peskin

Ordinance amending Sections 1106, 1108, 1108.4,1115, 1115.1 and 1115.3 and deleting Sections 1109, and 1115.2 of Article 12-C of the Business and Tax Regulations Code to (1) change delinquency date; (2) replace references to prior bankruptcy, income tax, and local laws with references to current laws; (3) conform rule for partnership interest transfers to state law changes; (4) eliminate obsolete provision regarding documentary tax stamps; and (5) eliminate Transfer Tax Board of Review and references to that Board.

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Campos, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Chu, Dufty

081451 **[Property Tax Refund Claim Processing]**

Supervisor Peskin

Ordinance to amend Administrative Code Section 10.2 to delegate to City Attorney the authority to grant or deny property tax refund claims and to establish administrative rules and procedures for City Attorney to follow.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Alioto-Pier, Dufty

Recommendations of the Land Use and Economic Development Committee

080520 [Below Market Rate Condominium Conversion Program]
Mayor, Supervisor McGoldrick

Ordinance amending the San Francisco Subdivision Code by adding Section 1344 to update and clarify the provisions relating to Below Market Rate Units under the Condominium Conversion Program including provisions related to the calculation of sales price, renting, capital improvements, duration and monitoring of affordability, marketing, and ongoing regulations and the provisions relating to Original Subdividers who rent their Units; providing for alternatives for compliance with the ordinance; and amending Sections 1308, 1309, 1341, 1341B, 1343, 1359, and 1385 to make conforming changes, and making findings including findings under the California Environmental Quality Act (CEQA).

(Supervisor Sandoval dissented in Committee.)

FINALLY PASSED by the following vote:
Ayes: 9 - Alioto-Pier, Campos, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Daly, Sandoval

081513 [Limited Equity Housing Cooperative Conversions]
Supervisors Peskin, Mirkarimi

Ordinance amending the Subdivision Code by adding Article 11, consisting of Sections 1399.1 through 1399.22, to create a method for Limited Equity Housing Cooperatives to convert existing residential buildings to limited-equity housing cooperatives, and making findings including findings under the California Environmental Quality Act.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Board

081589 [Eastern Neighborhoods Zoning Map - Height District for Mission Street theater properties]

Ordinance amending the San Francisco Zoning Map by amending the height district designation for Assessor's Block 3595, Lot 024 on Mission Street between 19th and 20th Streets and Assessor's Block 3616, Lot 007 on Mission Street between 21st and 22nd Streets to 65-X/85-X; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Planning Department)

Supervisor Maxwell, seconded by Supervisor Daly, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:
Ayes: 6 - Campos, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Sandoval

Ordinance amending the San Francisco Zoning Map by amending the height district designation for Assessor's Block 3616, Lot 007 on Mission Street between 21st and 22nd Streets to 50-X/65-B; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Planning Department)

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 6 - Campos, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Sandoval

From the Land Use and Economic Development Committee Without Recommendation

081088 **[Requirement of Conditional Use Authorization for any permit application to remove dwelling units]**
Supervisor McGoldrick

Ordinance amending the Planning Code by amending Section 317 to require Conditional Use Authorization for any elimination of existing dwelling units through mergers, conversions, or demolitions of residential units.

FINALLY PASSED by the following vote:

Ayes: 7 - Campos, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Recommendation of the Rules Committee

081230 **[Medical Cannabis Dispensary Permits]**
Supervisor Daly

Ordinance amending Section 3308 of the San Francisco Health Code to include the installation of platform lifts under the minimum disability access standards for Medical Cannabis Dispensaries.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Budget and Finance Committee

081519 **[Sale of San Francisco General Hospital Bond Anticipation Notes, Series 2009A - Not to Exceed $136,000,000]**

Mayor

Resolution authorizing and directing the sale of Not to Exceed $136,000,000 General Obligation Bond Anticipation Notes, Series 2009A in anticipation of the issuance of $136,000,000 General Obligation Bonds (San Francisco General Hospital Improvement Bonds, 2008), Series 2009A; Prescribing the Form and Terms of Said Notes; Providing For the Levy of a Tax To Pay the Interest and, if Applicable, the Principal Thereon; Authorizing the Execution, Authentication and Registration of Said Notes; Providing For the Appointment of Depositories and Other Agents For Said Notes; Providing For the Establishment of Accounts Related Thereto; Providing For the Manner of Sale of Said Notes, Whether By Competitive Sale or Negotiated Sale; Approving the Forms of Official Notice of Sale and Notice of Intention To Sell Notes; Directing the Publication of the Notice of Intention To Sell Notes; Approving the Form and Execution of the Note Purchase Agreement for the Sale of Said Notes; Approving the Form and Execution of the Official Statement Relating to the Sale of Said Notes; Approving the Form of the Continuing Disclosure Certificate; Approving Modifications To Documents; Ratifying Certain Actions Previously Taken; and Granting General Authority To City Officials To Take Necessary Actions In Connection With the Authorization, Issuance, Sale and Delivery of Said Notes.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081520 **[San Francisco General Hospital General Obligation Bond Issuance - Not to Exceed $887,400,000]**

Mayor

Resolution Providing for the Issuance of Not to Exceed $887,400,000 Aggregate Principal Amount of City and County of San Francisco General Obligation Bonds (San Francisco General Hospital Improvement Bonds, 2008); Authorizing the Execution, Authentication and Registration of Said Bonds; Providing for the Levy of a Tax to Pay the Principal and Interest Thereof; Providing for the Appointment of Depositories and Other Agents for Said Bonds; Providing for the Establishment of Accounts Related Thereto; Ratifying Certain Actions Previously Taken; Adopting Findings Under the California Environmental Quality Act, ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, Including the Adoption of a Mitigation Monitoring and Reporting Program and a Statement Of Overriding Considerations; Finding that the Proposed Project Is In Conformity With the Priority Policies Of Planning Code Section 101.1(B) and With the General Plan Consistency Requirement Of Charter Section 4.105 and Administrative Code Section 2A.53; and Granting General Authority to City Officials to Take Necessary Actions In Connection With the Authorization, Issuance, Sale and Delivery of Said Bonds.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081521 [Bond Sale of San Francisco General Hospital Improvement Bonds - Not To Exceed $136,000,000]
Mayor

Resolution Authorizing and Directing the Sale of Not To Exceed $136,000,000 General Obligation Bonds (San Francisco General Hospital Improvement Bonds, 2008), Series 2009A; Prescribing the Form and Terms of Said Bonds; Authorizing the Execution, Authentication and Registration of Said Bonds; Providing For the Appointment of Depositories and Other Agents For Said Bonds; Providing For the Establishment of Accounts Related Thereto; Providing For the Manner of Sale of Said Bonds, Whether by Competitive Sale or Negotiated Sale; Approving the Forms of Official Notice of Sale and Notice of Intention To Sell Bonds; Directing the Publication of the Notice of Intention To Sell Bonds; Approving the Form and Execution of the Bond Purchase Agreement Relating Thereto; Approving the Form and Execution of the Official Statement Relating To the Sale of Said Bonds; Approving the Form of the Continuing Disclosure Certificate; Approving Modifications To Documents; Ratifying Certain Actions Previously Taken; and Granting General Authority To City Officials To Take Necessary Actions In Connection With the Authorization, Issuance, Sale and Delivery of Said Bonds.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081522 [Appropriating $136,000,000 of General Obligation Bonds for the San Francisco General Hospital and Trauma Center for the Department of Public Health for Fiscal Year 2008-2009]
Mayor

Ordinance appropriating $136,000,000 of General Obligation Bond Proceeds approved by voters under Proposition A in the November 2008 election authorizing the issuance of general obligation bonds for the building or rebuilding and earthquake safety improvement of the San Francisco General Hospital and Trauma Center in the Department of Public Health for Fiscal Year 2008-2009.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081523 [General Obligation Bond Short-Term Indebtedness]
Mayor

Ordinance amending the San Francisco Administrative Code by adding Article 43.11, Sections 43.11.1 through 43.11.5, to authorize the issuance of short-term indebtedness in anticipation of the issuance of general obligation bonds authorized by the voters.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081507 [Accept-Expend Federal Grant and amend Annual Salary Ordinance, FY 2008-2009 $1,024,467.00]
Supervisor Elsbernd

Ordinance authorizing the Police Department to retroactively accept and expend grant funding in the amount of $1,024,467.00 from the National Institute of Justice for a program entitled "NIJ's 2008 Forensic DNA Unit Efficiency Improvement Program," and amending the Annual Salary Ordinance to create grant-funded positions.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081417 [Purchase of Real Property located at 5027-5033 Third Street, San Francisco for the Public Library]

Resolution authorizing the execution and performance of an Agreement of Purchase and Sale for Real Estate between the City and County of San Francisco and Doug Wong and Pearl Yee Wong, husband and wife, as joint tenants (the "Seller"), for the purchase of real property and improvements located at 5027 – 5033 Third Street, San Francisco, to expand the Bayview/ Anna E Waden Branch Library of the San Francisco Public Library; adopting findings under the California Environmental Quality Act; and adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1. (Real Estate Department)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081484 [WSIP Agreement No. CS-917, San Joaquin Regional Construction Management Services - Not to Exceed $28,000,000]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to award and execute the Water System Improvement Program-funded Professional Service Agreement No. CS-917, San Joaquin Regional Construction Management Services, with PMA Consultants LLC to provide Construction Management Services for the San Joaquin Regional Projects, for an amount not to exceed $28,000,000, pursuant to San Francisco Charter Section 9.118. (Public Utilities Commission)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081518 [Lease Financing For Library Projects]
Mayor

Resolution approving the form of and authorizing the distribution of a preliminary official statement relating to the issuance of City and County of San Francisco Finance Corporation lease revenue bonds and authorizing the preparation, execution and delivery of a final official statement; ratifying the approvals and terms and conditions of a previous ordinance; and related matters.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081524 [Accept-Expend Federal Regional Catastrophic Preparedness Grants - $10,000,000]
Mayor

Resolution authorizing the Department of Emergency Management (DEM), as fiscal agent for multiple local jurisdictions, to retroactively accept and expend Regional Catastrophic Preparedness Grant Program awards in the amount of $10,000,000 from the United States Department of Homeland Security (DHS), through the California Office of Homeland Security (OHS), for regional catastrophic preparedness for the period September 1, 2008 through August 31, 2010.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081415 [Approval of Port Lease for TCHO Ventures, Inc. at Pier 17]

Resolution approving Port Commission Lease No. L-14584 with TCHO Ventures, Inc. ("TCHO") for a five (5) year term for certain real property located at Pier 17 in the City and County of San Francisco. (Port)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the City Operations and Neighborhood Services Committee

081124 [Prohibiting advertisements for alcoholic beverages on City property]
Supervisors Mirkarimi, McGoldrick

Ordinance amending the San Francisco Administrative Code by amending Section 4.20, to prohibit advertisements for alcoholic beverages on City property.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Government Audit and Oversight Committee

081362 [Prevailing wages for (1) workers on public works and improvement projects, (2) workers in theatrical services; (3) workers performing moving services; and (4) workers hauling solid waste.]

Resolution fixing prevailing wage rates for (1) workers performing work under City contracts for public work and improvement; (2) workers engaged in theatrical or technical services for shows on property owned by the City; (3) workers performing moving services under City contracts at facilities owned or leased by the City; and (4) workers engaged in the hauling of solid waste generated by the City in the course of City operations, pursuant to a contract with the City. (Civil Service Commission)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081514 **[Appropriating $45,000,000 of Certificates of Participation Revenue for the Moscone Center Improvement Project in the Office of the City Administrator for Fiscal Year 2008-2009]**
Supervisor Peskin

Ordinance appropriating $45,000,000 of San Francisco Certificates of Participation (COPs) Series 2009B to fund the Moscone Center Improvement Project in the General Services Agency - Office of the City Administrator for Fiscal Year 2008-2009 and placing these funds on Controller's Reserve pending issuance of the COPs.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

081515 **[Lease Financing For Improvements to Moscone Convention Center]**
Supervisor Peskin

Resolution authorizing the execution, delivery and sale of Certificates of Participation (the "Certificates") evidencing undivided, proportionate interests in the right to receive certain rental payments to be made by the City under a Lease Agreement, for the purpose of financing various capital projects at Moscone Convention Center; approving the form of a Trust Agreement by and between the City and County of San Francisco (the "City") and a corporate trustee to be selected by the City (the "Trustee"), including without limitation certain indemnification obligations of the City contained therein; authorizing the selection of the Trustee; approving the form of a Facilities Lease by and between the City and the Trustee relating to certain real property described herein; approving the form of the Lease Agreement by and between the Trustee and the City relating to said real property; authorizing the payment of costs of issuance; authorizing the reimbursement of certain expenditures; granting general authority to City officials to take certain actions in connection with the Certificates, the Trust Agreement, the Facilities Lease and the Lease Agreement; authorizing modifications to documents; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

Recommendations of the Land Use and Economic Development Committee

080872 **[Planning - Union Street Neighborhood Commercial District - Full-Service Restaurants]**
Supervisor Alioto-Pier

Ordinance amending Planning Code Sections 725.1 and 725.42 of the Union Street Neighborhood Commercial District to provide for a limited number of new full-service restaurant uses that satisfy specific requirements and obtain conditional use authorization, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081125 [Promoting and Sustaining Music and Culture in San Francisco]
Supervisors Mirkarimi, Maxwell

Ordinance adding Chapter 90A to the San Francisco Administrative Code to establish a music and culture sustainability policy for City government; provide for development by the Entertainment Commission of a proposal for an on-line permitting system for entertainment-related permits, licenses, and determinations; provide for review by the Entertainment Commission of new criteria for entertainment related permits, licenses, and determinations; establish a process coordinated by the Entertainment Commission for reviewing and possibly revising City Codes to conform to and implement the music and culture sustainability policy; urge the Planning Commission to consider amending the General Plan to conform to and implement that policy; and provide for an annual hearing by the Entertainment Commission to review and make recommendations relating to implementation of that policy.

Supervisor Elsbernd moved to divide the question relating to Section 90A.4 (a).

Section 90A.4 (a) failed adoption by the following vote:
Ayes: 5 - Campos, Daly, Dufty, Mirkarimi, Sandoval,
Noes: 6 - Alioto-Pier, Chu, Elsbernd, McGoldrick, Peskin
PASSED ON FIRST READING AS DIVIDED by the following vote:
Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081372 [Mission Bay North-Park Parcels NP3, NP4 and NP5 Improvements]
Supervisor Daly

Ordinance designating a portion of State Trust Parcel 1, lying next to the Mission Creek Channel for public open space and park purposes; naming the new park "Mission Creek Park"; accepting the irrevocable offer for the acquisition facilities; designating said facilities as public open space and for park purposes and accepting for maintenance responsibilities and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 177,882; and authorizing official acts in connection with this Ordinance. (Public Works Department)

Supervisor Daly requested to be added as sponsor.
PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081280 [Accept and Expend State Coastal Commission Grant Funds - $185,000]
Supervisor Chu

Resolution authorizing the San Francisco Public Utilities Commission to accept and expend a State Coastal Commission Grant in the amount of $185,000.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081284 [Intent to change the name of Avery Street between Post Street and Geary Boulevard to Boswell Way]
Supervisor Mirkarimi

Resolution declaring the Board of Supervisors' intention to change the name of Avery Street between Geary Boulevard and Post Street to Boswell Way in recognition of Reverend Hamilton T. Boswell, the longtime pastor of the Jones Memorial United Methodist Church and advocate for San Francisco's African American community.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081327 [Preserving the Francisco Reservoir as public recreation and open space]
Supervisor Alioto-Pier

Resolution declaring the policy of the Board of Supervisors to maintain the Francisco Reservoir as open space and urging the San Francisco Public Utilities Commission, in light of the General Plan designating the property as such, to preserve the property for public recreation and open space.

ADOPTED by the following vote:
Ayes: 9 - Alioto-Pier, Campos, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Chu, Elsbernd

Recommendations of the Rules Committee

081474 [Appointment, Assessment Appeals Board No. 2 - Joseph Tham]
Motion appointing Joseph Tham, term ending September 5, 2011, to the Assessment Appeals Board No. 2.

APPROVED by the following vote:
Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081475 [Appointments, Assessment Appeals Board No. 1 - Diane Robinson and Richard Lee]
Motion appointing Diane Robinson and Richard Lee, terms ending September 5, 2011, to the Assessment Appeals Board No. 1.

APPROVED by the following vote:
Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:00 P.M.

Supervisor Dufty was noted absent at 5:40 p.m.

081516 [Hearing - Tourism Improvement District]

Hearing of persons interested in or objecting to proposed Resolution of Formation: Establishing a business-based business improvement district to be known as the "Tourism Improvement District," ordering the levy and collection of assessments against defined hotel businesses located in that district for fifteen (15) years commencing January 1, 2009, subject to conditions as specified, and making environmental findings.

The President inquired as to whether or any member of the public wished to address the Board.

Richard Swig; support of the Tourism Improvement District
Joe Delesandro; support of the Tourism Improvement District
Ernestine Weiss; support of the Tourism Improvement District
Pat Gallagher; support of the Tourism Improvement District
Rodney Fong; support of the Tourism Improvement District
Michael Dunn; support of the Tourism Improvement District
Mike Hardeman; support of the Tourism Improvement District
Heather Hale; support of the Tourism Improvement District
Tony Norman; support of the Tourism Improvement District
Simon Sin; support of the Tourism Improvement District
Rodney Rodriquez; Tourism Improvement District
Jerry Simmons; Tourism Improvement District
Male speaker; Tourism Improvement District
General Manager Grand Hyatt Union Square; Tourism Improvement District
Patricia Breslin; Tourism Improvement District

The President declared the public hearing closed.
Heard at a public hearing.
FILED.

Supervisor Elsbernd Excused From Voting

Supervisor Maxwell, seconded by Supervisor Chu, moved to excuse Supervisor Elsbernd, at his request, because of possible conflict of interest, from voting. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chu, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty
Excused: 1 - Elsbernd

081517 **[Resolution to Establish the Tourism Improvement District]**
Supervisor Peskin, Mayor Newsom, Supervisor Maxwell, Supervisor Dufty

Resolution of Formation: Establishing a business-based business improvement district to be known as the "Tourism Improvement District," ordering the levy and collection of assessments against defined hotel businesses located in that district for fifteen (15) years commencing January 1, 2009, subject to conditions as specified, and making environmental findings.

The Clerk of the Board announced the tabulations of the Tourism Improvement District.
Voting For - 29.02%
Voting Against - 23.56%

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ADOPTED AS AMENDED by the following vote:
Ayes: 9 - Alioto-Pier, Campos, Chu, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty
Excused: 1 - Elsbernd

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Dufty introduced, welcomed, and presented a Certificate of Honor to Dr. Sang Mook Lee.

Supervisor Alioto-Pier introduced, welcomed and presented a Certificate of Honor to Ms. Robin Krop.

Supervisor Peskin introduced, welcomed and presented a Certificate of the Honor to the Honorable Judge Quentin L. Kopp and former Member of the Board of Supervisors in recognition of his efforts in the passage of the Prop 1A a high speed rail for the State of California.

Supervisors Peskin, Dufty, Daly, McGoldrick, Elsbernd, Mirkarimi, Chu, Campos and Maxwell recognized Supervisor Sandoval for his past 8 years of service as a Member of the Board of Supervisors as he leaves to become a Superior Court Judge in San Francisco.

SPECIAL ORDER 4:00 P.M.

081432 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 2655 Scott Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated September 16, 2008, that a project at 2655 Scott Street (Building Permit Application No. 2007.04.18.9061, Case No. 2008.0492D) is exempt from environmental review under Categorical Exemption [State CEQA Guidelines Section 15301 (Class One - Minor Alteration of Existing Facility)]. The proposal would add a vertical addition (partial 4th floor) and fire escapes to a single-family residence in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District (Assessor's Block 0960, Lot 0010). (Appellants: Stephen M. Williams on behalf of Thomas and Annabel Yasuda)

(Filed November 10, 2008; companion to Files 081433, 081434, 081435; District 2.)

The President inquired as to whether any member of the public wished to address the Board.
Pam Ellington; support of the appellant
Female speaker; support of the appellant

Nannie Turrell and other staff of the Planning Department reviewed with the Board the Planning Department's recommendations.

James Rueben; Attorney for the project sponsor
Lewis Butler; support of the project sponsor

Vincent Marsh and Stephen Williams - Rebuttal Period for the Appellant

The President declared the public hearing closed.
FILED.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

081433 [Affirming the categorical exemption issued for the 2655 Scott Street project]

Motion affirming the determination by the Planning Department that the 2655 Scott Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081434 **[Disapproving the categorical exemption issued for the 2655 Scott Street project]**

Motion disapproving the determination by the Planning Department that the 2655 Scott Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Alioto-Pier requested that this matter be referred back to the Planning Department for further review.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081435 **[Preparation of findings related to the 2655 Scott Street project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 2655 Scott Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 4:00 P.M.

081486 **[Public Hearing - Appeal of Determination of Exemption from Environmental Review for 1864-1868 Green Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated April 8, 2008, Case No. 2007.0591E, exempting from environmental review under Categorical Exemption, Class 1 (State CEQA Guidelines Section 15301). The proposal would construct a three-story rear yard addition to an existing three-story over basement three-unit residential structure and install a garage in the existing basement, which would require raising the building by 20 inches at property (Assessor's Block 0543, Lot 015) located in a RH-3 (Residential House District, Three-Family) and a 40-X Height and Bulk District. (Appellant: Stephen M. Williams on behalf of Ben and Susan Lee)

(Filed 11/17/08; Companion measure to 081487, 081488, 081489; District 2.)

The President inquired as to whether any member of the public wished to address the Board.
President informed the Board Members that the appellant had withdrawn the appeal.
The President declared the public hearing closed.
Heard at a public hearing.
FILED.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

081487 **[Affirming the categorical exemption issued for the 1864-1868 Green Street project]**

Motion affirming the determination by the Planning Department that the 1864-1868 Green Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081488 **[Disapproving the categorical exemption issued for the 1864-1868 Green Street project]**

Motion disapproving the determination by the Planning Department that the 1864-1868 Green Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081489 **[Preparation of findings related to the 1864-1868 Green Street project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 1864-1868 Green Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 4:30 P.M.

081530 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 2626 Filbert Street]

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated August 26, 2008, that a project at 2626 Filbert Street (Case No. 2007.1478E), is exempt from environmental review under Categorical Exemption, Classes 1 and 3 [State CEQA Guidelines Sections 15301(1)(1) and 15303(a)]. The proposal would demolish an existing building and construct a new three-story-over-basement single-family residence with two off-street parking spaces located at the ground floor in an RH-1 (Residential House, One-Family) District, and a 40-X Height and Bulk District (Assessor's Block 0943, Lot 003B). (Appellants: Brooke Sampson and Lori Brooke on behalf of the Cow Hollow Association, Inc.)

(Filed November 21, 2008; companion to Files 081531, 081532, 081533; District 2.)

The President inquired as to whether any member of the public wished to address the Board.
Paige Sortley, Attorney for the applicant
Female speaker; support of the appellant
Terry Doherty; support of the appellant
Richard McRee; spoke in favor of green buildings
Robert Shoestein; support of the appellant

Michael Jacinto and other staff of the Planning Department reviewed with the Board the Planning Department's recommendation.

Andrew Junius, Attorney for the project sponsor
Christopher Plank; Architect for the project sponsor
Male speaker; support of the project sponsor
Michael Perry; support of the project sponsor
Leticia Kim; support of the project sponsor
Male speaker; support of the project sponsor
Alexander Lloyd; support of the project sponsor

Paige Sortley, Attorney for the appellant - Rebuttal Period

The President declared the public hearing closed.
Heard at a public hearing.
FILED.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

081531 [Affirming the categorical exemption issued for the 2626 Filbert Street project]

Motion affirming the determination by the Planning Department that the 2626 Filbert Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

081532 **[Disapproving the categorical exemption issued for the 2626 Filbert Street project]**

Motion disapproving the determination by the Planning Department that the 2626 Filbert Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Alioto-Pier requested that this matter be referred back to the Planning Department for review and make an evaluation with the new information providing during the hearing.

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

081533 **[Preparation of findings related to the 2626 Filbert Street project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 2626 Filbert Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

COMMITTEE REPORTS

081503 **[Approval of Fifth Amendment to the Management Agreement for Moscone Convention Center]**
Supervisors Chu, Peskin, Dufty

Resolution approving and authorizing the City Administrator to enter into a Fifth Amendment to the Management Agreement for Moscone Convention Center.

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Campos, Mirkarimi

081576 **[Prevailing wages for (1) workers doing janitorial services and (2) workers in public off-street parking lots, garages, or auto storage facilities.]**

Resolution fixing prevailing wage rates for (1) workers performing work under City contracts for janitorial services; (2) workers performing work in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City. (Civil Service Commission)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081452 **["Know your rights" brochure for towing]**
Supervisor Peskin

Ordinance adding Section 3055.2 to the San Francisco Police Code to require tow car firms to display "Know Your Rights When Your Car is Towed from Private Property" brochure and setting administrative penalties.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081564 **[Administrative Code - Amendment to Large Tourist Hotel Conversion Ordinance]**
Supervisor Peskin

Ordinance amending Administrative Code Chapter 41F to clarify the scope and implementation of the Large Tourist Hotel Conversion Ordinance, including minor edits to the definition of "Convert" and additional guidance regarding the conversion process for Large Tourist Hotels Rooms, and making required findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081398 **[Agreement to modify an existing Municipal Railway Easement for the J-Church line]**
Supervisor Dufty

Resolution approving and authorizing agreements for the modification of an existing MUNI easement in exchange for fee interest in a portion of the original easement area and rail transit improvements for the J-Church line at 21st Street and Chattanooga Street; adopting findings that the agreements are exempt from Environmental Review and are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Executive Director/CEO of the San Francisco Municipal Transportation Agency and the Director of Property to execute documents and take certain actions in furtherance of this resolution.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081401 **[Street Name Change to Timothy Pflueger Place]**
Supervisor Peskin

Resolution changing the name of Chelsea Place in the downtown district to "Timothy Pflueger Place," in recognition of Timothy Pflueger's many contributions to the City of San Francisco.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081502 **[Preferred Alternative for the South Access for the Golden Gate Bridge: Doyle Drive Project]**
Supervisor McGoldrick

Resolution approving the Preferred Alternative for the South Access for the Golden Gate Bridge: Doyle Drive Project.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081562 [Establishing City policy supporting Smart Grid technology and protocols for City electric systems]
Supervisor Peskin

Resolution establishing City policy supporting Smart Grid technology and protocols for City electric systems and urging the Public Utilities Commission to prepare a study to identify the most effective and economic means to implement smart grid technology.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

081575 [Board of Supervisors Seniority]

Lottery to determine the seniority of the new members of the Board of Supervisors to be scheduled at the Tuesday, December 16, 2009 Board meeting. (Clerk of the Board)

The Clerk of the Board read the names of the Supervisors-elect, excluding Supervisor Campos, as he was previously appointed by the Mayor and will be first in seniority among the Supervisors elected on November 4, 2008.
Each name was placed on a slip of paper and placed in an envelope and then placed them into a drum. One by one, the Deputy Clerk withdrew one envelope and the Clerk of the Board read the name.

The following is the order in which the names were to read to determine the seniority order for the purposes of selecting office space, Chamber seat, parking space and compensated positions:

Supervisor-elect Eric Mar
Supervisor-elect John Avalos
Supervisor-elect David Chiu
FILED.

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library
Ernestine Weiss; expressed concern with issues relating to renaming a park after Sue Bierman
Carol McGruder; expressed an interest in receiving money from the State of California in an effort to fight against tobacco companies
Richard McRee; expressed concern with issues relating to his patent for the Sigmund Stern Grove
Walter; shared with the Board certain SF memorabilia
Ms. Casey; showed support of Item 82 requesting California to establish a do not mail registry
Linda Wells; showed support of Item 82 requesting California to establish a do not mail registry
Dan Nelson; expressed opposition to Item 82 requesting California to establish a do not mail registry
Dee Muddilin; expressed concern with issues relating to Lennar construction company
Male speaker; showed support of Item 82 requesting California to establish a do not mail registry
Male speaker; expressed concern with issues relating to dispatching of cabs
Male speaker; shared with the Board his religious beliefs
Male speaker; expressed opposition to Item 82 requesting California to establish a do not mail registry
Mr. Soo; expressed opposition to Item 82 requesting California to establish a do not mail registry

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

081567 **[Commending Gerald H. Bibelheimer and his stellar work as a Social Worker throughout the City and County of San Francisco]**
Supervisor Dufty

Resolution commending Gerald H. Bibelheimer and his stellar work as a Social Worker throughout the City and County of San Francisco for the past 20 years.

ADOPTED

081568 **[Resolution to commend the 5th Anniversary of the opening of the Noe Valley Farmers' Market]**
Supervisor Dufty

Resolution to commend the 5th Anniversary of the opening of the Noe Valley Farmers' Market.

ADOPTED

081570 [Honoring Scott Hall and the Gay American Heroes]
Supervisors Dufty, Campos

Resolution honoring Scott Hall and the Gay American Heroes

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081571 [Supporting the public process in development of the master plan for Ocean Beach]
Supervisors Chu, McGoldrick, Elsbernd

Resolution supporting the public process of the development of the master plan for Ocean Beach.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081572 [Commemorating 65th anniversary of repeal of 1882 Chinese Exclusion Act]
Supervisors Chu, Mirkarimi, Maxwell, Campos

Resolution commemorating December 17, 2008 as the 65th Anniversary of the repeal of the 1882 Chinese Exclusion Act, which was the first significant restriction on free immigration in United States history.

Supervisor Campos requested to be added as a co-sponsor.
ADOPTED

081391 [Final Map - Hudson Avenue (No Situs)]

Motion approving Final Map 5210, a 7 Lot Subdivision Project, located at Hudson Avenue (No Situs) being a subdivision of Lot 203 in Assessors Block No. 4711 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,959; District 10.)

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081573 [Approving an application form for Boards, Commissions and Committees and specifying a supplemental form for applicants to Reentry Council seats designated for former inmates]
Supervisor Mirkarimi

Motion approving use of designated application form for applicants to Boards, Commissions and Committees and specifying a supplemental application for those seeking the former inmates seats on Reentry Council to ascertain experiential qualifications and avoid unfair stigmatization of the formerly incarcerated applicants.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed From the Without Committee Reference Agenda

Supervisor Daly requested that this matter be severed so that it might be considered separately.

081569 **[Honoring Rodel Rodis for sixteen years of service to City College of San Francisco]**
Supervisor Dufty

Resolution honoring Rodel Rodis for sixteen years of service to City College of San Francisco.

REFERRED.

Supervisor Mirkarimi requested that this matter be severed so that it might be considered separately.

081526 **[Requesting California establish a Do Not Mail Registry]**
Supervisors Mirkarimi, Dufty, Campos

Resolution urging the California State Legislature to establish a Do Not Mail Registry.

Supervisor Campos requested to be added as a co-sponsor.

REFERRED by the following vote:
Ayes: 6 - Alioto-Pier, Campos, Chu, McGoldrick, Mirkarimi, Peskin
Noes: 3 - Daly, Elsbernd, Maxwell
Absent: 2 - Dufty, Sandoval

OFF-AGENDA LEGISLATION

Resolutions

081569 **[Honoring Rodel Rodis for sixteen years of service to City College of San Francisco]**
Supervisor Dufty

Resolution honoring Rodel Rodis for sixteen years of service to City College of San Francisco.

12/9/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

12/16/08, REFERRED.

081526 **[Requesting California establish a Do Not Mail Registry]**
Supervisors Mirkarimi, Dufty, Campos

Resolution urging the California State Legislature to establish a Do Not Mail Registry.

11/25/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

12/9/08, CONTINUED. Continued to December 16, 2008.

12/16/08, REFERRED. Supervisor Campos requested to be added as a co-sponsor.

PROPOSED ORDINANCES

081395 **[Settlement of Lawsuit - Denise Caicedo - $47,500.00]**

Ordinance authorizing settlement of the lawsuit filed by Denise Caicedo against the City and County of San Francisco for $47,500.00; the lawsuit was filed on September 22, 2006 in Superior, Case No. 456-426; entitled Denise Caicedo v. City and County of San Francisco, et al. (City Attorney)

11/24/08, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

081445 **[Public Defender Requisition Request]**

Resolution granting the Office of the Public Defender's requisitions # P8023/1103021 and P8024/1103124. (Public Defender)

12/4/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081468 **[Emergency contract to design and install new, compliant emergency electrical generation system at San Francisco General Hospital]**

Resolution approving an emergency public work contract under San Francisco Administrative Code section 6.60, to install a new, permanent emergency electrical generation system at San Francisco General Hospital. (Public Works Department)

12/5/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081502 **[Preferred Alternative for the South Access for the Golden Gate Bridge: Doyle Drive Project]**
Supervisor McGoldrick

Resolution approving the Preferred Alternative for the South Access for the Golden Gate Bridge: Doyle Drive Project.

11/25/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

12/9/08, SUBSTITUTED. Supervisor McGoldrick submitted a substitute resolution bearing same title.

12/9/08, ASSIGNED to Land Use and Economic Development Committee.

12/16/08, ADOPTED.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 6:53 p.m.

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Utica/Omaha
Houchen
Bindery